THE

ACTS LAWS AND

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Of Our Most High and Dread Soveraign,

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By the Grace of GOD, King of Scotland, England, France and Ireland, Defender of the Faith.

Begun at Edinburgh, from the 28. of July, to the 22. of August, 1670.

By a Noble Earl, John Earl of Lauderdail, Viscount Maitland, Lord Thirlestane and Bolton, &c. His MAJESTIES Commissioner, &c.

ACT, Authorizing certain Commissioners of the Kingdom of Scotland, to treat with Commissioners of England, for the weell of both Kingdoms.

Edinburgh, the 30. day of July, 1670.



Orasmuch as the Kings most Excellent Majesty, from His Princely Zeal and Fatherly Care of the weelfare and happiness of his Subjects (persisting in the same pious and prudent Resolution of His Royal Grand-father, King James of ever bleffed memory, to endeavour a nearer and more compleat Union between His two Kingdoms of Scotland and England) Hath recommended it to the Parliaments of both Kingdoms, that Commissioners might be nominat to Treat and Confult concerning this Union, to the end, that His Majesties Royal and Gracious Purposes therein may be accomplished, and such a further Union may be treated and agreed upon, as may compleat and confirm for ever, a constant, mutual love and friendship betwixt His Subjects of both Realms.

Therefore, His Majesty, with advice and consent of His Estates of Parliament, doth hereby Statute, Ordain and Enact, That such Per-

fons, or Quorum thereof, as shall be nominated by His Majesty under His Great Seal of Scotland, are by vertue and authority of this Act, Authorized, Commissionate and Impowered, to meet and assemble at such times and in such places, as His Majesty shall appoint; And there to Treat and Confult, according to the tenor of their Commission and Authority in that behalf under the Great Seal, with the Commissioners authorized by Authority of the Parliament of England, of, and conterning fuch an Union of the Realms of Scotland and England, and of and concerning fuch other matters,

causes and things whatsoever, as upon mature deliberation, the greatest part of the saids Commissioners assembled, as said is, and the Commissioners authorized by the Parliament of England, according to the tenor and purport of the Commission in that behalf, shall in their wisdoms think convenient and necessary for the Honour of His Majesty, and the Well and Common-good of both Kingdoms duting His Majesties Life, (which Almighty God make long and prosperous) and of His Heirs and lawful Successors for ever. Which Commissioners of both Kingdoms shall, according to the tenor and purport of the Commissions in that behalf, reduce their Doings and Proceedings therein into Writings or Instruments tripartie, every part to be subscribed and sealed by them; To the end, that one part there of may in all humbleness be presented to the Kings most excellent Majesty, another part thereofossered to the consideration of the Parliament of Scotland, and another part to be offered to the consideration of the Parliament of England, at their next Sessions to be held in either Kingdoms respetsive, after such Writings or Instruments shall be subscribed and sealed by the saids Commissioners, that there upon such further proceedings may be had, as by his Majesty and both the saids Parliaments, shall be thought fit and necessary for the Well and Common-good of both the said Kingdoms; To whom the entire consideration of the whole, and the allowing or disallowing thereof, or any part thereof as they shall think sit, is wholly reserved. Likeas, his Majesty, with advice and consent foresaid, doth hereby Statute and Declare, that no matter or thing to be proposed, treated of, or agreed by the saids Commissioners, by vertue of this Act, shall have any force or effect, or be put in execution, until it be consistent and established by Act of the Parliament of Scotland.

II.

ACT against such who shall refuse to depone against Delinquents.

Edinburgh, 3. of August. 1670.

Orasmuch as it is the duty of all good Subjects, to give their best concurrence and affistance as they shall be thereunto required by publick Authority, for discovery and punishment of all crimes against the publick Laws, or which may tend to the breach or disturbance of the publick Peace of the Kingdom; And that it is an high contempt of Authority, and a fignal evidence of difloyalty and inclination to rebellion, to refule or shift the same when required thereunto. Therefore, His Majesty, with advice and consent of his Estates in Parliament, doth hereby Statute and Ordain, That all and every Subject of this Kingdom, of what degree, fex or quality foever, who hereafter shall be called by His Majesties Privy Council, or any others having Authority from His Majesty, to declare and depone upon Oath, their knowlege of any crimes against the publick Laws and Peace of the Kingdom; and particularly, of any Conventicles or other unlawful Meetings, and of the feveral circumstances of the persons present, and things done therein, or of the ressetting and in tercommuning with persons who are, or hereaster shall be declared Fugitives or Rebels: Are obligged in conscience, duty, and by the alledgiance of Subjects, to declare and depone their knowlege thereof, and of all the particulars relating thereunto. And if any shall happen to be so perversly wicked and disloyal, to refuse or delay to declare or depone, being thereunto required, as faid is; His Majesty, with advice and consent foresaid, appoints their punishment to be fining and close imprisonment, or banishment, by sending them to His Majesties plantations in the Indies, or elsewhere, as His Majesties Council shall think fit. Likes, His Majesty, with advice foresaid, doth require His Privy Council to be careful in tryal of the crimes abovewritten, and in the speedy and due execution of the pains foresaids, upon all such, without exception, & shall refuse or delay to declare or depone thereupon, as faid is. It is alwayes hereby provided, that no mans declaration or deposition against any other person, shall infer against himself the pain of loss of Life, or Member, or Banishment.

III.

ACT for the raising a Supply of three hundred and sixty thousand pounds offered to His Majesty.

Edinburgh, 9. of August, 1670.

THE Estates of Parliament taking to their consideration, that His Majesty, from His Princely Zeal, and Fatherly care of the good and wel-fare of His Subjects, doth imbrace and improve
every opportunity which may tend to the further securing of their peace and happiness; They in a due
acknowledgment of His Majesties unparalell'd grace and goodness, and for defraying the expense
which the extraordinary occasions of His Royal Service and Government will at this time require: Do
with all humble duty and thankfulness, for themselves, and in name of this His Majesties most ancien
Kingdom, whom they represent, make offer to His Majesty of a new Supply of three hundred and sixty
thousand

thousand pounds Scots, to be raised and payed out of the Land-rent, in the same manner, according to the same proportion, and with the same exceptions that the former supply granted to His Majesty by the convention of Estates in January, one thousand, six hundred, sixty seven years was raised; And whereof one hundred, fourty four thousand pounds Scots, as being the proportion of two moneths of the former Supply, is to be payed betwixt and the first day of February, one thousand, six hundred, seventy one; and seventy two thousand pounds betwixt and the first day of May thereaster; And another seventy two thousand pounds betwixt and the first day of November thereaster; being all in the year one thousand, six hundred, seventy one. Likeas His Majesty, with advice and consent of His Estates of Parliament, Doth hereby Ordain the Commissioners for the Valuations, nominat by the Act of Convention for the late Supply in the year one thousand, six hundred, fixty seven, to take care and be answerable that this Supply be duely raised and payed in to such as shall be warranded by His Majesty to receive the same, at the particular terms of payment above-mentioned; And that all manner of diligence and execution contained in that Act be made use of for raising of this Supply, as sully as if the same were expressly repeated in this Act.

IV.

ACT against Invaders of Ministers.

Edinburgh, 13. of August, 1670.

Forafmuch as the affaulting of Ministers, and the invading of their houses be atrocious crimes, often prohibit and discharged by Law under high and severe pains; And yet, such hath been the wickedness of some loose Men, Rebels and Vagabonds, that of late they have, in several places in the night time, invaded and broken in upon Ministers houses, affaulted and wounded their persons, and pursued them for their lives. And the Kings Majesty having a just indignation of such horrid and unchristian villanies, hath thought sitto brand the same with a signal mark of His displeasure: And Therefore, His Majesty, with advice and consent of His Estates in Parliament, doth hereby Statute, Enact and Declare, That whatsoever person or persons shall be found guilty of the affaulting the lives of Ministers, or robbing their houses, or actually attempting the same, shall be punished with the pain of death, and the consistant of their Goods. And for the better discovery of these crimes, His Majesty doth, with advice and consent foresaid, hereby offer and ensure the sum of five hundred Merks to any person who shall discover and seife any of the faids Affaulters, Robbers or Attempters: And in case they shall be discovered by one person, and apprehended by another, the discoverer is to have two hundred Merks, and the apprehender three hundred Merks, to be payed out of His Majesties Thesaury by the Commissioners thereof, who are hereby authorized to pay the same. And if there shall happen any slaughter to be committed in the apprehending of such persons, His Majesty, with advice foresaid, doth hereby indemnisse the persons imployed, and all such as shall affist in the apprehending of them; and Declares them free of all question or trouble for the same in time coming.

V.

ACT against Conventicles.

Edinburgh, 13. of August, 1670.

Forafmuch as the affembling and convocating of His Majesties Subjects without His Majesties Warrand and Authority, is a most dangerous and unlawful practice, prohibite and discharged by several Laws and Acts of Parliament, under high and great pains; And that notwithstanding thereof, divers disaffected and sedicious persons, under the specious, but falle pretences of Religion and religious Excercises, presume to make, and be present at Conventicles and unwarrantable Meetings and Conventions of the Subjects, which are the ordinary Seminaries of Separation and Rebellion, tending to the prejudice of the publick Worship of Godin the Churches, to the scandal of the reformed Religion, to the reproach of His Majesties Authority and Government, and to the alienating of the hearts and affections of the Subjects from that duty and obedience they owe to his Majesty, and the publick Laws of the Kingdom. For the supressing and preventing of which for the time to come, His Majesty, with advice and consent of His Estates of Parliament, hath thought fit to Statute and Enact, Likeas they do hereby Statute and Command, That no outed Ministers, who are not licenced by the Council, and no other persons not authorized or tolerate by the Bishop of the Dioces, presume to preach, expound Scripture, or pray in any Meeting, except in their own Houses, and to these of their own Family; and that none be present at any Meeting, without the Family to which they belong, where any not licenced, authorized nor tolerat as said is, shall preach, expound Scripture or pray: Declaring hereby, all such who shall do in the contrair, to be guilty of keeping of Conventicles; and that he orthey who shall so preach, expound or pray within any house, shall be seised upon & imprisoned, till they find caution

caution, under the pain of five thousand Merks, not to do the like thereafter; or else enact themselves to remove out of the Kingdom, and never return without His Majesties Licence; And that every person who shall be found to have been present at any such Meetings, shall be, toties quoties, fined according to their qualities, in the respective sums following, and imprisoned untill they pay their fines, and farther during the Councils pleasure, viz. Each Man or Woman, having Land in Heretage, Life rent or proper Wodfer, to be fined in a fourth part of his or her valued yearly Rent; each Tennent labouring Land, in twenty five pounds Scots; each Cottar in twelve pounds Scots, and each ferving Man in a fourth part of his yearly Fee. And where Merchants or Tradef-men do not belong to, or refide within Burghs Royal That each Merchant or chief Tradef-man be fined as a Tennant, and each inferior Tradef-man as a Cortar : And if any of the persons above-mentioned shall have their Wives, or any of their Children living in Family with them, present at any such Meeting, they are therefore to be fined in the half of the respecive fines aforesaid, consideration being had to their several qualities and conditions. And if the Master or Mistris of any Family, where any such Meetings shall be keeped, be present within the house for the time, they are to be fined in the double of what is to be payed by them, for being present at a House-conventicle. And it is hereby Declared, that Magistrates of Burghs Royal are lyable, for every Conventicle to be keeped within their Burghs, to fuch fines as His Majesties Council shall think fit to impose; and that the Master or Mistris of the Houses where the Conventicle shall happen to be keeped, and the persons prefent thereat, are to relieve the Magistrates as the Council shall think fit to order the same; it being notwith. standing free to the Council to fine the Inhabitants of Burghs, for being present at Conventicles within or

without Burghs, or where their Wives or Children shall be present at the same.

And farther, His Majesty understanding that divers disaffected persons have been so maliciously wicked and disloyal, as to convocat His Majesties Subjects to open Meetings in the Fields, express contrair to many publick Laws made thereanent; And confidering that these Meetings are the rendezvous of Rebellion, and tend in a high measure to the disturbance of the publick Peace: Doth therefore, with advice and consent foresaid, Statute and Declare, That whosoever, without Licence or Authority foresaid shall preach, expound Scripture or pray at any of these meetings in the Field, or in any House where there be moe persons then the House contains, so as some of them be without doors, (which is hereby declared to be a Field-conventicle) or who shall convocat any number of people to these meetings, shall be punished with death, and confiscation of their goods. And it is hereby offered and assured, that if any of His Majesties good Subjects shall seife and secure the persons of any who shall either preach or pray at these Field-meetings, or convocat any persons thereto, they shall for every such person so seised and fecured, have five hundred Merks payed unto them for their reward, out of His Majesties Thesaury by the Commissioners thereof, who are hereby authorized to pay the same; and the saids seisers and their affiftants are hereby indemnified for any flaughter that shall be committed in the apprehending and And as to all Heretors and others aforesaid, who shall be present at any of these Fieldfecuring of them. conventicles, it is hereby Declared, they are to be fined, toties quoties, in the double of the respective fines appointed for House-conventicles; but prejudice of any other punishment due to them by Laws feditious persons, and disturbers of the Peace and Quiet of the Kirk and Kingdom. And seeing the due execution of Laws is the readiest means to procure obedience to the same; Therefore, His Majesty, with confent and advice forefaid, doth Impower, Warrand and Command all Sheriffs, Stewarts of Stewartries, Lords of Regalities and their Deputs, to call before them and try all fuch persons who shall be informed to have keeped, or been present at Conventicles within their Jurisdictions, and to inflict upon these who shall be found guilty, the respective sines express in this Act; they being always countable to the Commissioners of His Majesties Thesaury, for the sines of all Heretors within their bounds. And His Majesty, for the encouragement of the saids Sheriffs, Stewarts and Lords of Regalities, to be careful and diligent in their duties herein, doth allow to themselves all the fines of any perfons within their Jurisdictions, under the degree of Heretors; and requires the Lords of His Majellies Privy Council to take exact tryal of their care and diligence herein: And if the Sheriffs, Stewarts and Bailiffs shall be negligent in their duties, or if the Magistrates within Burghs shall be negligent in their outmost diligence, to detect and dilate to the Council all Conventicles within their Burghs, that the Council inflict such censures and punishments upon them as they shall think fit. And the Lords of His Majesties Privy Council are hereby required to be careful in the tryal of all Field and House-conventicles, keept fince the first day of October, one thousand, fix hundred, fixty nine, and before the date hereof, and that they punish the same conform to the Laws and Acts of State formerly made thereament. And lastly, His Majesty being hopeful that His Subjects will give fuch chearful obedience to the Laws, as there shall not be long use of this Act; Hath therefore, with advice forefaid, Declared, That the endurance thereof thall only be for three years, unless His Majesty shall think fit that it continue longer.

VI.

ACT against disorderly Baptisms.

Edinburgh, 17. of August, 1670.

Orasmuch as the disorderly carriage of some Persons, in withdrawing from the Ordinances of the Sacraments in their own Parish Churches &, procuring their Children to be Baptized by persons not publickly thorized or allowed, is highly scandalous to the Protestant Religion, and tends exceedingly to the increase of Therefore the Kings Majesty, with advice and consent of His Estates in Parliament, Schifm and Profanity: on Statute and Prohibit all His Majesties Subjects, that none of them, of whatsoever degree or quality, preme to offer their Children to be Baptized by any but fuch as are their own Parish Ministers; or else by such Ministers as are Authorized by the present established Government of the Church, or Licenced by His Mathe Council, upon a Certificat from the Minister of the Parish, if he be present; or in his absence, by one of the Neighbouring Ministers: And declares, that the Father of any Child which shall be otherways Bapwod-fetter, shall be lyable to the pains and penalties following, viz. Every Heretor, Life-tenter, or proper Wod-fetter, shall be fined in a fourth part of his valued yearly Rent; Every person above the degree of a Tennent, having a personal, but no real Estate, in one hundred pounds Scots: Every considerable Merchant in one hundred pounds: Every inferior Merchant, or considerable Trades-man, and every Tennent labouring Land, in fifty pounds: Every meaner Burgefs, Tradef-man, Inhabitant within Burgh, and every Cottar, in twenty pounds Scots; and every Servant in half a years Fee. And His Majesty, with advice forefaid, requires the Sheriffs, Stewarts, Lords of Regalities and their Deputes, and Magistrates of Burghs Royal, within their several Bounds and Jurisdictions, to be careful to put this Act in execution; and that upon Information from the Bishop of the Diocess, or any other, they call before them, and judge the Persons Contraveners thereof, and uplift the Penalties foresaids. Likeas, His Majesty, for the further encouragement of the faids Sheriffs, and others forefaids, to do their duty herein, doth allow them to retain for their own use, the Fines of the several Persons above-mentioned, except these of the Heretors, for which they are to be comptable to the Commissioners of His Majesties Thesaury.

VII.

ACT against Separation and withdrawing from the publick Meetings of Divine Worship.

Edinburgh, 20. of August, 1670.

Poralmuch as it is the duty of all His Majesties good Subjects, to acknowledge and comply with His Majesties Government, as it is by the Lawes of the Kingdom established in Church and State; and in order thereunto, to give their cheerful concurrence and countenance to fuch Minifers, as by Publick Authority are, or shall be admitted in their several Parishes, and to attend all the Publick and Ordinary Meetings of Divine Worship in the same. And seeing the Laws of the Kingdom hath declared a withdrawing, and not keeping of, and joyning in, these Meetings, to be seditious, and of dangerous example and consequence: His Majesty conceives Himself also bound in Conscience and Duty to interpose His Authority, that the Publick Exercises of Gods Worship be countenanced by all His good Subjects, and that fuch as upon any pretext do diforderly withdraw, be by the Censures of the Law made senfible of their miscarriages, and by the Authority of the Law, drawn to a dutiful obedience to it. And therefore, His Majesty, with advice and consent of His Estates in Parliament, Statutes, Ordains, and commands all His good Subjects of the Reformed Religion within this Kingdom, to attend and frequent the ordinary Meetings appointed for Divine Worship, in their own Parish Churches; Declaring hereby, that every such Person who shall three Lords Days together withdraw & absent themselves from their own Parish Churches, without a reasonable excuse to be allowed or disallowed by the Judges and Magistrats after-mentioned, shall wies quoties be liable to the pains and penalties following, viz. Every person having Land in Heretage, Lite-rent, or proper Wod-fet, in the eight part of his or her valued yearly Rent : Every Tennent in fix pounds Scots: Every Cottar or Servant, in fourty shillings Scots: Every person above the degree of a Ten-sent, and who hath a personal, but no real Estate, in twelve pounds Scots: Every considerable Merchant awelve pounds Scots: Every inferior Merchant, and confiderable Tradef-man, in fix pounds Scots: Etery other meaner Burgefs, Tradef-man, and Inhabitant within Burgh, in fourty shillings Scots. And His Majesty, with advice and consent foresaid, doth commit the execution of this Act, and the raising the Pepalies above-mentioned, to the Sheriffs, Stewarts, Lords of Regalities and their Deputs, and to Magihats of Burghs within their feveral respective Jurisdictions: And doth hereby Authorize and require them to be careful to see this Act put in due execution; and in order thereunto, that they Examine upon Oath fuch persons in every Parish as they shall think fittest, for discovery of such as shall withdraw; and thereby

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incur the penalties above-mentioned. And for their encouragement herein, His Majesty, with advice fore. Said, doth hereby allow to themselves the Fines of all persons within their respective Jurisdictions, below the degree of Heretors, they being alwayes comptable for the Fines of the Heretors to the Commissioners of Ha Majesties Thesaury. And incase any Heretor, Life-renter, or proper Wod-setter, shall be so froward and obstinat, as to withdraw from their Parish Churches for the space of one year, notwithstanding of their being fined as aforesaid: It is Ordained, That the Sherisss and other Judges aforesaid, within their several Judictions, dilate them to His Majesties Privy Council, who are hereby authorized to eall the saids persons be fore them, and to require them to subscribe the Bond following:

oblidge my felf, that I shall not upon any pretext or collour what soever, risen Arms against the King's Majesty, or any having his Authority or Commission; nor shall assist no come tenance any who shall rise in Arms. And if any person so called and required, shall resule or delay to subscribe Bond, That the Lords of His Majesties Privy Council secure or banish them, as they shall think fit. And it is hereby declared, that upon such resulal or delay to sign this Bond, the single Escheat, and Lise-tent. Scheat of the resulers or delayers shall fall and appertain to His Majesty, and is to be intrometted with, and disposed of, for His Majesties use. Likeas, the Lords of His Majesties Privy Council are hereby required to call from time to time for an Accompt from the Sherists, and others foresaids, of their diligence inputing this Act in execution; and if they be found negligent, that they inslict such Censures and Punishments, on them, as they shall judge fit. And it is surther declared, that this Act is to endure only for the space of the years, unless His Majesty shall think fit it continue longer. And it is surther hereby provided that this Act is to be without prejudice of the Censures of the Church, to be used against such who shall be absent from the Publick Meetings for Gods Worship, conform to the former Acts and Practices of the Church thereanent.

VIII.

ACT ratifying the Priviledges of the Ordinary Lords of Session.

Edinburgh, 22. of August, 1670.

Porasimuch as at the first Institution of the Colledge of Justice, the Kings Majesty and Estates of Passis ment, considering that the Lords of Session did represent His Majesties Person and Authority, in doing Justice to the Subjects; And in regard thereof and their daily attendance, did by an express Act of Passis ment, exceem them, and every one of them, from payment of all Taxes, Contributions, and other extraordinary charges in all time thereafter; which Priviledge and Immunity hath been fully ratisfied and approven in all succeeding Parliaments. Therefore, and in consideration that the pains and travels of the saids Lords have been since rather increased then diminished, His Majesty being willing, for their greater encouragement in the discharge of their Trust and Employment, their Priviledges be preserved entire, with advice and consent of the Estates of Parliament, Doth Ratiss and Approve their whole Priviledges and Immunities for saids; granted by their first Institution, or any other subsequent Act of Parliament. And for their farther security, His Majesty, with consent foresaid, Statutes and Ordains, That the saids Ordinary Lords of Session shall bruik and enjoy their saids Priviledges and Immunities, from all burdens imposed, or to be imposed by this or any other Parliament in time coming, als sully as if they were particularly excepted out of the saids Acts.

IX.

ACT concerning High-wayes.

Edinburgh, 22. of August, 1670.

UR Soveraign Lord confidering, that in the fixteenth Act of the last Session of Parliament, anent High-wayes, the time appointed for working thereat is limited betwixt Seed-time and Harvest, whereas it will be much more convenient working at, and repairing several of the High-wayes at other Seasons of the Year: Therefore His Majetty, with advice and consent of the Estates of Parliament, doth declare, that the respective Sherists and Justices to whom the Execution of the said Act is committed, may require all persons liable to work and repair the said High-wayes, Bridges, and Ferries, to conveen, the number of dayes they are liable, at any time or season they shall judge most convenient, Seed-time and Harvest being always excepted. And sicklike, where the Wayes ly at great distance from those who are liable to repair the same, that it shall be leisome to the saids Justices and Over-seers to dispense with those persons who live at such a distance, they paying six shillings yearly for ilk Man, and twelve shillings for ilk Horse which ought to have been imployed in the said Work; which sums of money so to be payed in, shall be expended at sight of the said Sherist and Justices, on Work-men to work in place of those who live at such distances, in manner foresaid.

ACT Salvo jure cujuslibet.

Edinburgh, 22. of August, 1670.

UR Soveraign Lord taking to confideration, that there be many Acts of Ratifications and others, past Onk soveraign Lote taking to confideration, that there be many Acts of Ratifications and others, past and made in this Session of Parliament, in favours of particular persons, without calling or hearing of such as may be thereby concerned and prejudged: Therefore, His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That all such particular Acts and Acts of Ratification past in manner foresaid, shall not prejudge any third party of their lawful Rights, nor of their Actions and Defences competent thereupon, before the making of the said particular Acts and Acts of Ratifications; And that the Lords of Session and all other Judges within this Kingdom, shall be obliged to judge betwixt Parties, actions their several Rights standing in their persons before the making of the said particular Acts and Acts of Ratifications; And that cording to their feveral Rights standing in their persons before the making of the saids Acts: All which are hereby exponed, and Declared to have been made, Salvo jure cuju libet.

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ACT of Adjournment.

Edinburgh, 22. of August, 1670.

THE King's Majesty Declares this Parliament current, and Adjourns the same to the eleventh of May next to come; Ordaining all the Members of Parliament to attend that day, And that there be no new Election of Commissioners from Shires or Burroughs, except upon the death of some of the present Commission oners.

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 3. Att for the raising a Supply of three hundred and sixty thousand pounds offered to His Majesty.

 4. Att against invaders of Ministers.

 5. Att against Conventicles.

 6. Att against disorderly Baptisms.

 7. Att against Separation and withdrawing from the Publick Meetings of Divine Worship.

 8. Att ratifying the Priviledges of the Ordinary Lords of Session.

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- 9. Act concerning High-wayes.
- 10. Act Salvo jure cujuslibet.

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Of the Acts and Ratifications past in this second Session of His Majesties second Parliament, and which are not here printed.

C T concerning Legal Executions to be used at the Towns of Lauder and Dunce. Act in favours of the Duke and Dutchess of Hamiltoun.

Act in favours of the Earl of Errol and his Cautioners, &c.

Act in favours of the Countess of Bramford and Lady Forrester.

Act in favours of the Earls of Roxburgh and Weymes.

Act in favours of the Town of Anstrutber.

Act uniting the Kirks of Inchsture and Rossie.

Act for an Imposition for upholding the Bridge of Dalkeith.

Act in favours of the Laird of Ardrofs.

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Act for repairing the Kirks of Dregborn and Kilmars.

Act Ratifying the Taxt Roll of the Burroughs.

Act in favours of Thomas Rocheid and Thomas Rutherfurd.
Act for rectifying fome Valuations.
Act in favours of the Earl of Caithness.

Protestation in favours of the Advocats and Writers, &c.

Ratification of a Decreet Arbitral concerning the Stipend of the fecond Minister of South-Leith.

Protestation be the Lord Balmerinoch and Paroch of South-Leith against the same.

Ratification in favours of Robert Baird of Sauchtoun-hall. Protestation the Wrights and Cowpers of the Cannongate.

Ratification of the Right of the Colledge of Old-Aberdeen.

Protestation the Lord Gossow and others against the Ratification to Sir Andrew Fletcher. Ratification to the City of Edinburgh of the late Imposition upon the Wine and Ale, &c. Ratification in favours of John Wedderburn, Fiar of Blackness. Ratification in favours of Sir James Mercer.

Ratification in favours of Patrick Lesty of Balquhine. Ratification in favours of the Earl of Wintown.

Ratification in favours of General Dalyel.

Ratification in favours of the Lord Gossfoord.

Ratification in favours of Alexander Monro.

Ratification in favours of the Lord Saltoun. Ratification in favours of the Town of Kirkwal.

Ratification in favours of the Farl of Eglintoun.

Ratification in favours of John Cunninghame of Caldwel. Ratification in favours of James Cockburn of that ilk.

Ratification in favours of Sir George Ogilvie of Barras.

Ratification in favours of Sir Robert Nairn of Strathurd.

Ratification in favours of Sir George Monro of Colrane.

Ratification in favours of the Chirurgions & Apothecaries of Edinburgh, Ratification in favours of Sir Robert Sinclair of Longtormacus,

Ratification in favours of the Lord Haltoun and his Son.

Ratification in favours of the Lord Haltoun.

Ratification in favours of the Members of the Mint-house.

Ratification in favours of Henry Borthwick of Stow.
Ratification in favours of Sir Colin Campbel of Aberurqubil.
Ratification in favours of Henry Mcdougal of Mccairftoun.
Ratification in favours of Robert Douglas of Bridgford.
Ratification in favours of William Blair of Kinfauns.
Ratification in favours of Colin Campbel of Monzie.

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AND ACTS LAWS

Past in the THIRD

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Of the SECOND

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Of Our Most High and Dread Soveraign,

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By the Grace of GOD, King of Scotland, England, France and Ireland, Defender of the Faith.

Begun at Edinburgh, from the 12. of June, to the 11. of September, 1672.

By his Grace, John Duke of Lauderdale, Marquess of Marche, Earl of Lauderdail; Viscount Maitland, Lord Thirlestane, Musselburgh and Bolton, &c. His MAJESTIES Commissioner, &c.

ACT for Settling the Militia.

Edinburgh, the 25. of June, 1672.



HE Kings Majesty considering, that the Honour and Security of this His Ancient Kingdom are much concerned in the right ordering and fettleing of the Militia within the same: Which being a Service and Imployment of so great Trust, His Majesty Resolves to take special notice thereof; and as He will give all due encouragements to those who shall be imployed therein, so He will expect, and require from them an exact performance of the duties and fervices incumbent to them in their several stations. And therefore His Majesty, with advice and consent of His Estates of Parliament, Dorth hereby Declare, Statute and Enact, That all such persons who shall be enrolled and admitted in this trust of the Militia, shall be entirely reserved for that imployment; and during their service in it, shall be freed and excem'd from all other Levies whatfoever. And that the persons imployed may be suitable

dained, That all the Officers in the Militia, be persons well affected to the Religion and Government of the Church, as it is now established by the Laws of this Kingdom: And that all the Officers and Souldiers, to Horse or Foot, shall, at the first Rendevous of each Regiment or Troup, where they shall be present. Take the Oath of Allegiance, which is hereby Ordained to be administred unto them, by the chief Officer commanding upon the place. And if it shall happen any of them to refuse the same,

That they shall be presently seised on, and sent to the next publick prison, there to be kept, till, by order of His Majesties Privy Council, they be banished the Kingdom: And that these who outreited

them, do forthwith furnish others in their place.

And further, it is hereby Statute and Ordained, that all the Officers of the Militia do punctually attend their feveral Charges, and that none of them offer to defert or demit the same (but upon a just and reasonable cause, to be first offered to, and allowed by His Majesties Privy Council) under the pains following: viz. a Collonel of Foot, and Captain of Horse, two thousand merks; a Lieutenant. Collonel of Foot, and Lieutenant of Horse, one thousand, five hundred merks; a Major, or Captain of Foot, one thousand merks; a Lieutenant, or Ensign of Foot, or Cornet of Horse, five hundred merks. And that all Officers to be hereafter named, shall accept and attend their Charges; and if any of them shall refuse to accept, without a reasonable cause, to be first allowed as said is, they shall be also lyable to the respective Fines aforesaid. And in case any of the Officers already admitted, or who shall hereafter be admitted in this Service, shall neglect the same, and not give due atendance at the several diets of Rendezvous of the Regiments, Troups, and of the Companies, they shall be lyable to, and forfeit the Fynes following; a Major and Captain of Foor, and a Lieutenant and Corner of Horse, fifty pounds in time of war, and twenty five pounds in time of peace; and the other inscious Officers, twenty four pounds in time of war, and twelve pounds in time of peace. And it is also hereby Declared, that all Fynes formerly imposed by Act of Parliament, for absence from Rendevous or deficiency in outreik of Horse or Men, or in cases of insufficiency of Horse or Armes, shall be doubled in time of war.

It is also hereby Ordained, that none be designed Horse-men or Foot-men of the Militia, but such as dwell and refide in the bounds within which they ferve; and if any be already otherwife defigned, that they be changed, and others accordingly put in their places: And that in time coming, no Leader change any Tennent, Cottar or Servant designed Horse-man or Foot-man in the Militia, so long as he continues on the Leaders ground, or in the bounds for which he ferves, or shall be in the Leaders or Tennents service: And that the Tennent, Cottar or Servant listed in the Militia, shall not remove from his Masters ground, nor leave his service, until year and day expire; and then the removal is only to be at the term of Whitfunday, the Leader being alwayes obliged, before his removal, to present to the Captain another sufficient man in his place, who shall continue in the service as aforesaid. And if any man listed in the Militia, shall desert the service, and withdraw to any other place without the bounds for which he serves; the persons who resset him, upon intimation thereos given by his Master, or the Captain of the Troup or Company, shall be holden to return him back within three dayes thereaster, and the person himself to be punished for his fault, at the discretion of the Captain and any two Commissioners of the Militia: And in case the Resseter, being required, shall not return him, he is to be Fyned in ane hundred merks Scots by any two Commissioners of the Militia, if he live within the Shire: and if he live in any other Shire, by the Sheriff, Magistrats of Burgh, or any other ordinar Magistrat

on the place. It is likewise hereby Ordained, that the Leader of every Horse is to furnish and uphold a sufficient

Horse with his furniture for the space of seven years from this time; and that after the expyring of the seven years, these of the Fraction with him shall contribute for another Horse, at the rate of ten pounds sterling, and that the Horse be provided to the value of that summe, and so after the expyring of each feven years thereafter fuccessive: And that the Heretors of every Shire allow yearly fourty eight pounds Scots to the Trumpetter who serves their Troup, and twelve pounds Scots to every Drummer who serveth their companies. And it is further Ordained, that besides the dayes of Rendevous already appointed, and which are still to be observed in the time of Peace; Yet in the time of War, there are to be two Rendevous yearly of the Regiments of Foot; at either of which, the Companies are to be keeped together, and exercised for two dayes; as also, sour dayes of Rendevous for the several Companies. But in regard of the distance of the bounds, and other difficulties in drawing together the Regiment which is raifed out of Argyl, Bute and Dumbartan, they are to have onely one general Rendevous in the year, and two for the feveral Companies, who are to stay together two dayes at either of their Rendevous.

And further, his Majesty, with advice and consent foresaid, Ratifies, Approves and Renewes all former Acts, Orders or Instructions past in Parliament, or by His Majesties Privy Council concerning the Militia; and Ordains them to be put to due execution, except in fo far as any of them are innovate or altered by this present Act.

II.

ACT

concerning Pupils and Minors, and their Tutors and Curators.

Edinburgh, 28. of June, 1672.

UR SOVERAIGN LORD, Confidering the great prejudice and inconvenience befalling to Pupils and others, who cannot provide for, or defend themselves, That their Tutors or Curators have immediate access to their Charter-chests, Writs, Evidents and Securities of their Lands, sums of money, and others belonging to them, which they may imbefil, suppress, or by collusion, give up to their Debitors or other parties interessed, without just fatisfaction; Or otherwise, having gotten satisfaction, there is no mean by which a Charge can be made up against the saids Tutors and Curators, but themselves, when they are brought to an account, make both their own Charge and Discharge; and in case of their decease, they who fucceed to them, for the most part, can have no Charge made up against them at all. For remeed whereof, His Majesty, with advice and consent of His Estates of Parliament, Statutes, Ordains and Declares, that no Tutor or Curator of any Pupil, Minor, Idiot or furious person, to be named or designed in any time coming, or who is not actually stated and entered in the said office, shall have power or authothy to exercise the said Office of Tutor or Curator, or to meddle with the Writs, Evidents, Means and Estate of the saids Pupils, Minors, Idiots or furious persons, until first an Inventar be made up, in manner after-specified, by the saids Tutors and Curators, with advice and consent of the nearest of kin on the Fathers fide, and the nearest of kin on the Mothers side, who shall be Majors, and within the Kingdom for the time: Which Inventar shall be subscribed by the saids Tutors and Curators, and the saids nearest of kin; and one subscribed double thereof keeped by the saids Tutors or Curators, another by the nearest of kin on the Fathers side, and the third by the nearest of kin on the Mothers side. All which subscribed Duplicats shall be judicially produced before the Judge ordinar of the place, where the Pupil, Minor, Idiot or furious person their chief residence is, and an Act made upon production thereof, bearing the production of the Inventar, and expressing the names of the persons subscribers thereof, and in whose custody the same were left; and that the Duplicats be also subscribed by the Clerk of Court, that they may not be altered thereafter. And in case the nearest of kin on both sides will not concur in making up the Inventar in manner foresaid, the saids Turors and Curators shall raise summonds at their instance, before the saids Judges ordinar respective, for fummonding the nearest of kin that are majors, and within the Countrey, upon either side, for decerning them to concur in making up of the said Inventar in manner foresaid: And in case they compear not, or do not concur as said is, With certification, the said Inventar shall be made up by the said Tutor or Curator, with advice and confent of the Judge ordinar, or any whom he shall delegate or appoint, who shall subscribe three Duplicats of the faid Inventar with the faids Tutors or Curators, whereupon a Judicial Act shall be made, and the Duplicats subscribed by the Clerk, in the same manner as if the nearest of kin had concurred; and a Duplicat thereof shall be keeped by the faids Tutors and Curators, and the other two Duplicats shall remain in the Clerks hands, to be delivered to the nearest of kin on the Father and Mothers side, being closed up and fealed by the faids Tutors or Curators, and the person delegate for making the faid Inventar as said is. Which Inventar shall contain the names and designations of the Lands belonging to the Pupils, Minors and others foresaids, and the Bands, Counts and Tickets due to them, and sums therein contained, and their Moveables, aswell Heirship-Moveable as other Moveables: And in case that thereafter any other Lands, Debts, fums of money or other Goods and Gear whatfoever belonging, or that may happen to be to the faids Pupils, Minors, Idiots, or furious persons, shall come to the knowledge of the faids Tutors or Curators, fo that they may attain to the possession thereof; In that case, and within the space of two Moneths after they attain to the possession of the famine, They shall eeke the same to the foresaid Inventar, and make a judicial Act thereupon in the hands of the Clerk of Court where the principal Inventar was made, and hall leave two Duplicats of the faid Eek or Eeks, one or moe, fealed as faid is, in the hands of the faid Clerk, for the use of the nearest of kin as said is. And it is hereby further Declared, that the Debitors of the Pupils, Minors, Idiots or furious persons, shall not be obliged to make payment to the Tutors or Curators of the faids persons, of any sums due by them, unlesse the said Tutor or Curator show to the saids Debitors, that the Sums or Goods demanded from them, are contained in the faids Inventars or Eeks subscribed by the faids nearest of kin, or by the Clerk of Court in maner respective foresaid. And it is hereby further Declared, that if the faids Tutors or Curators shall failzie in making up the faids Inventars and Eeks in manner abovewritten, They shall be lyable both for intromission and Omission, and shall have no allowance or defalcation of the charges and expenses wared out by them in the affairs of the saids Pupils, Minors, Idiots or surious persons: and shall be removable from their Office as suspect Tutors and Curators, if they fail in making up the Eeks from time to time in manner foresaid. It is alwayes hereby Declared, that this Act shall not prege Pupils, Minors and other persons aforesaid, to charge their Tutors or Curators with what it can be de appear they have intrometted, or might have intrometted with, over and above what is contained in And further His Majesty, with advice and consent foresaid, Statutes and Ordains, That

all Gifts of Tutory, that shall be granted hereaster, by His Majesty or His Exchequer, shall proceed upon citation of the Minors nearest of kin on both sides, at the instance of the Cravers of the saids Gifts: That they may be heard, if they have any thing to say against the person to whom the Gift is to be granted; or, upon consent first obtained thereto, under the hands of the said nearest of kin. And Ordains, that the said Gifts shall bear expressly that the nearest of kin were cited, or consented to the passing of the said Gifts: Certifying all who shall procure Gifts of Tutory or Curatory foresaids, without citation or consent of the saids nearest of kin, or where the samin is not expressly mentioned therein, That these Gifts shall be declared null and void, by way of exception or action, at the instance of any person who shall have obtained a Gift of the saids Tutory or Curatory, conform to the Tenor of this present.

III.

ACT discharging the importation of Irish Victual.

Edinburgh, 28. of June, 1672.

Orasmuch as the importing of Victual, Horses and Cows from Ireland into this Kingdom, hath been by divers publick Acls and Statutes, discharged, under great pains; And that, notwithstanding thereof, fundry persons, preferring their own privat interests to their obedience to the Law and good of the Kingdom have adventured to import diverse quantities of Victual from Ireland, and have vented and fold the same in this Kingdom; whereby the fale of Corns, growing within the Kingdom, hath been stopped, and much money hath been unwarrantably carried out of the Kingdom. And His Majesty being resolved, for the good of this His Ancient Kingdom, to take an effectual course for preventing and restraining such courses for the time to come: Doth therefore, with advice and confent of the Estates of Parliament, Statute and Ordain, that all Heretors, Wod-setters and Life-renters within the Shire of Lanerk below Glasgow, and in the Shires of Air, Renfrew, Wigtoun, Dumbartan, Bute, Argyl, and Stewartrie of Kirkcudbright, having Land on the Sea-coasts; and the Magistrats of the Burghs of Glasgow, Dumfreis, Kirkcudbright, Renfrew, Dumbartan, Irwing, Air, Stranrawer, Rossa and Innerrary, give Bonds, that they, their Tennents, or any dwelling on their Lands, or Inhabitants within the faids Burghs, shall not import or reflett any fort of Victual from Ireland, under the pain of twelve hundred pounds Scots, toties quoties. And if any of that Victual shall happen to be Livered within their bounds, by persons not living within the same, That they also detain and seise the Victual, Vessel and persons therein, if they can be apprehended, under the same pain. And if the Importers make any forcible resistance, It is hereby Declared, that the Seisers, and these who shall assist them, shall be free of all skaith or prejudice may fall out thereupon: And that they give timeous notice thereof to the Lords of His Majesties Privy Council or Exchequer, who are hereby impowered to pur ish the Importers, by fyning or imprisonment, or both, as they shall think fit. And for the Vestels and Goods, whether imported by Natives or Strangers, They are hereby Declared to be confifcat; two pars thereof to His Majesties use, and the third part to the Seiser, whether he be Heretor of the Lands where the Importation happeneth, or not. And in case any Heretors or Magistrates shall suffer any Victual to be imported, and shall not feife and certifie, as faid is, and that any other person shall inform thereof, and verifie the same; This Informer is to have the third of the Goods, if they shall be apprehended, and also the third of the fine imposed upon the Heritors or Magistrates failzeing as faidis. Likeas His Majesty, with advice forefaid, doth Authorize the Lords of His Majesties Privy Council to appoint fit persons to receive the Subscriptions of the Heretors, Magistrates & others foresaids, within the bounds above-written, to the Bond here unto subjoined. And if any of them shall refuse to fign the Bond, they are, for such refusal, Declared to Inchr the pain and penalty of Two hundred pounds Sterling, and imprisonment during the Councils pleasure: Besides that, they shall be lyable to the same pains as if they had subscribed the Bond. And for the encourage ment and relief of such Heretors and Magistrates, as shall give Bond as said is, It is appointed, that it any Victual so imported, shall happen to be resset in any of the saids Shires or Burghs, the Ressetter shall be lyable to relieve the Heretor or Burgh in whose bounds the Victual was Livered, of the Fyne they incured thereby: As also, that their Tennents and Inhabitants shall also subscribe the same. And in case of their refusal, their Tacks of their Rooms, if they have any, are declared void, and they, and all such other Tennents or Inhabitants, as have no Tacks, are to be removed from their Possessions and Dwellings, by sentence of any Judge ordinar, before whom the refusal shall be proven; Besides that, they shall be lyable as if the had subscribed the Bond, and their persons to be imprisoned during the pleasure of his Majesties Privy Council who are also hereby warranted to give Commissions & allowances to fit persons to seife any of the saids Vessels that shall be Water-born within the Waters, betwixt the Head of Kintyre and Lochryan, or within the Western Isles, or any Port, Loch, Creek or River from Lochryan to Dumfreis: As also, to allow importationod Victual for such time as they shall think fit, the price of Victual, within the Kingdom for the time, being a eight pounds the Boll of Beir and Meil, and ten pounds Wheat, or above. And last, His Majesty Ratificand Renews all former Laws, and Acts, and Proclamations of Council made against importing of Victoria as faid is: And Ordains them to be put to Execution, except in fo far as they are altered by this Act; And Ordains Letters of Horning to passe hereupon, in form as effeirs. The

The Tenor of the Bond above-mentioned.

Importation of Victual from Ireland, Do bereby bind and oblidge me, that I, nor my Tenneuts, nor my other Person dwelling upon any Lands belonging to me, shall not import nor resset any Victual from Ireland. And if any Victual, so imported, shall be Livered in any Bounds belonging to me, by any Person not living within my bounds, I oblidge me to seise and detain the Victual, Goods, Vessels and Persons therein, if they can be apprehended: And to give speedy notice thereof to His Majesties Council or Exchequer, under the pain of Twelve bundred pounds, as oft as I or they shall failzie in any of the premisses; To be payed to

And for the more security, &c.

The like Bond to be given by the Magistrates of the Burrows above-mentioned for their Inhabitants.

I V

ACT for raising of a New Supply of Eight Hundred and Sixty Four Thousand Pounds Scots, Offered to His Majesty.

Edinburgh, 5. of July, 1672.

HE Estates of Parliament being sensible of the great Obligations lying on them to imbrace every Occafion whereby they may renew the Expressions of their Duty, Loyalty and Gratitude to His Majesty; whe many and constant Proofs they have had of His Affection to, and Care of, the Concerns of this His Ancient Kingdom; And confidering that His Majesty is now engaged in a most Just and Necessary War against the States General of the United Provinces, They conceive themselves oblidged to take h courses, and provide such remedies, as may evidence the sense and resentments this Kingdom hath His Majesties Honour and Interests, as well as what may concern their own security, against all Accias which either from without or within the Kingdom may fall out upon this occasion: And therefore They do hereby Declare, that, as the Kingdom of Scotland will cheerfully hazard their lives and fortunes this or any other cause wherein His Majesties Sasety, Honour or Interests may be concern'd; So, in derthereunto, They have so settled the Militia, as the Forces of the Kingdom may be in readines; henever His Majesty shall be pleased for those ends to make use of them. And conceiving it necessary, r the rendering of this Humble Tender of their Duty the more effectual for His Majesties Service, That His Majesty be provided with a stock of money toward the encouragement and maintenance of the forces of the Kingdom, and fuch other necessary occasions as concern His Majesties Honour, or the publick Peace: They do therefore, with all humble Duty and Cheerfulness, for Themselves, and in of this Kingdome which They represent, Make offer to His Majesty of a new Supply of Eight hundred, by four thousand pounds Scots, to be payed and raised out of the Land-rent of the Kingdom, according the Convention of Estates, for raising of the Supply granted to His Majesty in the Year, One thousand, six hundred, sixty seven, and to be payed in sour parts at the Terms following, each sourch part anweing to three Moneths Cess; viz. Two hundred, and sixteen thousand pounds, as being one fourth athereof, and answering to three Moneths Cels, to be payed at the Term of Lambas next to come in present Year, One thousand, fix hundred, seventy two: Another I wo hundred, and sixteen thoudpounds, at the Term of Candlemas, One thousand, fix hundred, seventy three; And the third Two nated, and fixteen thousand pounds, at the Term of Lambas, One thousand, fix hundred, seventy three; and the fourth and last Two hundred, and fixteen thousand pounds, to be payed at the Term of Candlemas, nethousand, fix hundred, seventy four. Likeas the Kings Majesty, with advice and consent of His Eares of Parliament, Doth hereby Ordain the foresaid summe of Eight hundred, fixty four thousand pounds Seas to be raised and payed at the Terms of payment particularly above-mentioned: And that the Com-missioners for the Valuations take care, and be answerable, that the same be accordingly raised and payed n to such as shall be warranted by His Majesty to receive the same; And that all maner of diligence and ation contained in the ferefaid Act of Convention, One thousand, fix hundred, fixty seven, be made of for raifing of this Supply above mentioned, at the feveral Terms of payment thereof, as fully as if the lame were expressly repeated in this Act. And as His Majesty with Advice foresaid, Ordains that exacts, diligence and execution be used for the speedy bringing in of this Supply as aforesaid; So, for the couragement of such as shall make due payment, as said is, It is also hereby Declared, That no perliable in any part of this Supply, shall be holden to produce their Discharges or Receipts of the same after second of February, in the Year Ope thousand, six hundred, and eighty one. And farther, the Kings jefty, confidering that the whole burden of this Supply lieth upon the Land-rent; And conceiving it just, that the personal estates of money should bear some proportion of the Burden, toward the relief of the Land-rent: Doth therefore, with Advice and Consent foresaid, Statute and Ordain, That every Debitor owing money within this Kingdom, shall, for the space of one year, from the Term of Mertinmess, One thousand, six hundred, seventy two, to the term of Mertinmess, One thousand, six hundred, seventy three, in the payment of their Annual-rents for that Year, have retention in their own hands of one sixth part thereof, at the payment of the other sive parts of the saids Annual-rents due for that Year as said is.

V.

ACT concerning the Priviledges of Burghs Royal.

Edinburgh, 10. of July, 1672.

UR SOVERAIGN LORD, taking into His ferious Confideration, how necessar it is, for the Wealth and Welfare of this His ancient Kingdom, that Trade & Commerce be encouraged, both for the Export of the grouth and Manufacturie of the Kingdom, and for the Import of Forreign Commodities, requifite for the use and satisfaction of His People; And for that effect, that the Priviledges of the Royal Burrows granted by His Majesty and His Royal Predecessors, may be established, and cleared from the many Controversies and Debates that have been thereanent, to the great disquiet and expences, both of the Royal Burrows themselves, and other Incorporations and People of the Kingdom: Which Controversies have arisen concerning the extent of the Priviledges of the Royal Burrows; and how far the Ratifications thereof granted by His Majesty and His Royal Predecessors, and the Estates of Parliament, have been derogate and abrogate by contrair Custom, Or by Insestments and Priviledges granted by His Majesty, and His Royal Progenitors; and specially the 24. Act of the Parliament, holden by His Majesties Royal Father, of happy Memory, in the Year of God, 1633. entituded, Ratification of the Priviledges of the Royal Burrows, whereby all exportation of any Merchandice is prohibited to any persons but the Burgestes of Royal Burrows, their Factors or Servants; and all Persons, dwelling out of Burrows, are prohibited to use any Merchandice, or to buy Wine, Wax, Silks, Spicery, Wald or sicklike Stuffs; nor that none Pack nor Peil without the Kings Burrows, under pain of Escheat of the Goods that should be top and fold marked or reiled contrain to that Statute: And giving power to the saids Royal Burrows. ped, fold, packed or peiled contrair to that Statute: And giving power to the faids Royal Burrows, or their Commissioners, to search unsree-mens Goods, intromet therewith as Eschear, either within the Countrey or any other part. Which Priviledges so extended, were never in use, and are highy populational to the common interest and good of the Kingdom, and are by the said Statute, extended far beyond the ancient Priviledges of Burrows, repeated and confirmed therein; applying the priviledges granted to Burrows generally to Royal Burrows only, to the prejudice of the Burghs of Regalities and Barrows, and extending of the fale of Imported Commodities which could only be understood of whole fale, to the topping and retailing of the faids Commodities. And on the other part, the just priviledges of the Royal Burrows have been encroached upon by others, not only by exporting, but by importing of Staple-Commodities, without bearing burden with the faids Royal Burrows in the publick Taxations Staple-Commodities, without bearing burden with the laids Royal Burrows in the publick Taxations and Aids granted to His Majefty. For remeed whereof, His Majefty, with advice and confent of His Eftates of Parliament, Statutes and Ordains, that it is, and shall be the priviledge of Free-men of Royal Burrows, and no other Incorporation or person within this Kingdom, to buy or sell, in great or whole sale, Wine, Wax, Silks, Spiceries, Wald, and other Materials for Dying; And that no other Incorporation or person within this Kingdom, shall have power to import or export the same, or to import any other Commodities, except such as are allowed to them by this present Act: But prejudice to Noble-men, Prelates, Barones and others, of their priviledge of importing any of the saids Goods, for the proper use of themselves and their samilies allamenty. Likeas, His Majesty, with consent foresaid, Doth hereby Enact and Declare, that it shall be leison to any of His Majesties good Subjects, or any person than shall buy from them, to export forth of this Kingdom, by Sea or Land, all manner of Corps. person that shall buy from them, to export forth of this Kingdom, by Sea or Land, all manner of Corns that are of the Grouth of the Kingdom, all manner of Cattel. Nost, Sheep, Horse, Coal, Sala, and Wool, Skins, Hydes, and all other Native Commodities of the Kingdom: And that it shall be leifom to the Burghs of Regality and Barony, by any of their Burgesses or Members of Society, to export all their own proper Manufacturie, or such Goods as shall be bought by them in Fairs or Markets. And that it shall be leisom to the saids Burghs of Regality or Barony, or Societies erected or to be erected for Manufacturies, and all others exporting the Native Growth of the Kingdom as aforesaid, to import, in return of the saids Goods exported, or of the Fraught and Hire of the Ships, the Goods and Commodiciate following: dities following; viz. Timber, Iron, Tar, Soap, Lint, Lint-feed, Hemp, Onions, or other necessary for Tillage or building, or for the use of their foresaid Manufacturie: And als, to top and retail all Commodities whatfoever. Likeas, His Majesty, with consent of the said Estates, Starutes and Ordains, That, if any man, not being free-man in the Royal Burrows, shall be found to have in His possession any Goods or Commodities to be bought or fold, exported or imported by him, contrait to this prefer

frante, and the Priviledge of the Royal Burrows granted thereby; The faids whole Goods shall be schear, the one half to His Majesty, and the otherhals to the Burgh-appiehender: And that, if the saids Goods be apprehended within any of the saids Royal Burrows, or the Sub-urbs or Appendicles belonging to them, or within their Ports or Harbors; The samin may be summarly seised and secured, as Goods eschear in maner foresaid. But if the saids Goods, competent only to Free-men of Royal Burrows, shall be found, or alleadged to be sound, essewhere; They shall only be arreasted and pursued to be declared Eschear, to be divided in manner above-written, before any competent Judicator, as accords of the Law: And that, upon pretence thereof, the Magistrates of Burghs, or others by Commission from them, or any of their shabitants; shall not search or seise upon any Goods; or any way trouble or molest His Majesties good Subjects, living without the bounds of their saids Burghs or Sub-urbs, summarly and by way of sact, but only by Legal Process according to Law, upon the pretence of any Priviledge. Custom or Usage what-sever, unless the Persons be deprehended in the present and actual transgression of the Priviledges of the Royal Burrows above-written, and that within the bounds of the saids Burghs, Sub-urbs and Ports thereof; Under the pain of being proceeded against as Committers of Ryor, and Disturbers of His Majesties Peace. Likeas, His Majesty, with consent foresaids Cassis, Annuls and Rescinds all Acts of Parliament and Ratifications, in swa sar as they are contrair to this present Statute: And Ordains Letters of Horning to be Direct summarly at the instance of all Royal Burrows, against all and whatsoever Persons who have transgressed, or shall transgresse the foresaids Priviledges, as the same are Established and Declared by this present.

Vi

A C T discharging second Summonds, &c.

Edinburgh, 10. of July, 1672.

Orasmuch as the former Practice and Custome, that Process and Summonds before the Lords of Seffion, for the most part, should be continued, hes been the occasion of delay of Justice, and of great prouble and charges to His Majesties Leiges: By reason, that when the Parties, at least the Defenders, did five at a great diffance from the faid Judicatory, after the Pursuer had raised the first Summonds, and had sent; and caused execute the same in remote places of the Kingdom: They were forced to return the same to be continued, and, upon an Act of continuation, to raise other Summonds, and to send the same again to the Countrey, and to cause execute the same in remote places of the Kingdom, for the most part by Messengers imployed and sent there of purpose; And to return the same before there could be any Process in the Cause foresaid. And even when Parties had their residence near the said Judicatory, and the Pursuers were concerned, and desirous, to insist with all possible diligence; and to that purpose had raised Summonds; Yet, the Vacation time did interveen, (during which their Summonds could not be continued) their Prorescould not be in readiness against the next ensuing Session; so that they were postponed by the space of diverse moneths, to their great prejudice. And Our Soveraign Lord, being tender, and equally carefall of the Interest of His Subjects, both Pursuers and Defenders; And that a remedy may be provided for preventing the faid inconvenients and prejudice to the Pursuers: and yet such a one, as the Defenders be not prejudged: Therefore, His Majesty, with advice and consent of His Estates of Parliament, Doth Statute and Ordain, that, in all Causes and Processes that shall be intended hereaster before the Lords of Seffion; of whatfoever nature the famin be; and albeit formerly the Summonds were in use, and ought to have been continued: Yet, the Pursuer shall not be oblidged to cause continue their Summonds, and to take our Acts of Continuation, and to cause taise and execute Letters and second Summonds thereupon, any Law, Custome, Statute or Act of Sederunt to the contrary notwithstanding, which is hereby Repealed. And because by the Law and Custome formerly observed in the Causes foresaid, being ofttimes of great importance, a Decreet could not be obtained fummarly upon a fingle Citation; which may be, and sometimes was industruously, and of purpose, so conveyed and concealed, that it could not come to the Desenders knowledge: And upon the considerations foresaids, after that the Desenders were cited by the first Summonds, they behaved again to be cited, and in some cases, not by Sheriffs in that part, but by Messengers at Arms, and with, and under other and higher certifications then were contained in the first Summonds. And seeing it is just, and it is His Majesties intention that they should not be preadged of the benefit and means forefaid, whereby they may be the better certiorate, and have time, deliberate, and prepare themselves for their defence: It is therefore Ordained by His Majesty, with consent foresaid, That all Summonds before the Lords of Session, which before were in use, and ought to have been continued, shall contain two several Warrants for citing the Desenders at two several nes, and to two distinct diets and dayes of Compearance; And that the saids Summonds be directed to Sheriffs in that part, and Messengers respective; and that, by the first Warrant to be insert in the said Summonds, such persons, as might, and were in use, to have executed the first Summonds, be warranted to give the first citation upon the same time, and with the same certifications as sormerly

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were and ought to have been in citations upon the first Summonds: And by the second Warrant, Mesengers at Arms, or such other persons as formerly were and ought to have been imployed to execute Leness or second summonds, when they were apart, and upon Acts of Continuation; shall be warranted, and commanded to give the second Citation, after the passing and elapsing of all the time contained in the Warrant for the first Citation: And the said second Citation shall be upon the same time, and with the same certifications that were usual in second Summonds, and in the Acts whereupon the same proceeded, according to the several stiles, conception and nature thereof respective. And it is Declared, That upon all Summonds against Parties, either within or without the Countrey, containing the said Warrant for two Citations, being execute as said is, and no otherwise; Process shall be granted in all causes which before did abide Continuation, in the same manner, and with the same effects, to all intents and purposes, as were granted upon Summonds, Acts of Continuation and Letters: And in all other Processes and causes, which did not require Continuation, It is Declared, that the Summonds shall be libelled, and Process shall be granted thereupon as before, and in the same manner, without any change or alteration. And it is surther Statute and Ordained, that, in time coming, all Executions of Summonds shall bear expressly the names and designations of the Parties pursuers and Desenders: And that it shall not be sufficient that the same do relate generally to the Summonds, otherwise the Execution shall not be sufficient that the same do relate generally to the Summonds, otherwise the Execution shall not be sufficient that the same do relate generally to the Summonds, otherwise the Execution shall not be sufficient that the same do relate generally to the Summonds.

VII.

A CT concerning Writs passing the Great and Privy Seals.

Edinburgh, 12. of July, 1672.

He Kings Majesty, considering how much His own Service and the Interests of His Subjects is prejudged, by the neglect of Registrating these Charters, Intestments, Gifts, Commissions and other Writs, which do pass, and are written to, the Great and Privy Seals; Doth, for remeeding and preventing of this evil for the time to come, with advice of His Estates of Parliament, Statute and Ordain, that all Charters, Infeftments, Commissions, Gifts and other Writs which hereaster shall pass under the Great and Privy Seals, shall be registrat in the Registers of the great and privy Seals, respective, before the Seall be appended to them: And the Writers to these Seals, who keep the Registers thereof, are hereby Ordained to Registrat every Writ passing their Office, and, by their subscription, to mark the same on the back thereof, to be written and Registrate by them, before they give them out to be fealed; and that they make and keep a perfect Minut-book, containing the Names, Surnames and Defignations of the persons in whose favours the Charters and other Writs are granted, with the Names of the Lands and special matters therein contained: And the keepers of these Seals are hereby Discharged to append the Seals to any writs which are not so marked and attested to be Registrat, as they will be answerable. And his Majesty futher considering, that the Writting of Precepts of Seasing, to pass under the Quarter Seal, is a great and unnecessary trouble to His Subjects, and may be aswel, and with less trouble supplied, if the Precept of Sealing were infertinthe Charter; Doth therefore, with advice foresaid, Suppress, and for ever Discharge, the passing or writing of any precepts of Seasing to, or under the Quarter Seal: And Ordains, that, in lieu thereof, every Charter shall, towards the end, contain a Precept of Seasing of all the Lands and others contained therein; which shall be als sufficient for taking of Seasings, as if the same were past under the Quarter Seal as faid is. Likeas, His Majesty, understanding the great trouble and inconveniencies occafioned by the Writing of long Charters and other Writs, which pass the Seals aforesaid, in one broad parchment, of so great length and largeness, that they can hardly be read: Doth, for remeid thereof, with advice foresaid, Statute and Ordain, that it shall be free to any person, who hath any Charter or Writ to be written for the Great or Privy Seals, to choise whether to have the same written in a broad skin of parchment as formerly, or to have them written by way of a book in leaves of parchment, about the breadth of an ordinary sheet of paper; and accordingly, the Writters to the Great and Privy Seals, are hereby Ordained to write and exped the same: And, if they shall be written in the way of a book, that each page be signed and marked by them as said is. Which being done, the respective Seals are to be appended thereto in manner following, viz. To fuch as shall be written on a skin of parchment in the ordinary way, That the Seals be appended as formerly: And to these which shall be written in the book-way, that the Seals shall be appended upon a Tye or Band, which is to go thorowall the leaves in the Margine. And that for doing hereof, this shall be a sufficient warrand to all persons concerned.

VIII.

A C T concerning Arreastments used within Burghs.

Edinburgh, 12. of July, 1672.

UR SOVERAIGN LORD confidering, that the Burrows Royal have been in use to arreast Strangers, who live without their respective Burghs, for all Debts due by them to any of the Inhabints Burgelles of the faid Royal Burrows, any maner of way, without distinction; Do daily force them to de Caution to compear before the Town-Courts, or otherwise go to Prison, to the great hurt and prejudice the Leiges, who being Strangers, and not able to find Caution within Burgh, are oftentimes furmarly pearcerat, without any just cause, to their great dammage, expences, and disgrace. For remeid whereme coming, no Burgesse nor other Inhabitant of any Royal Burgh shall have power, or be permitted, to meast any of His Majesties Subjects of this Kingdom, who live outwith the Burgh, or force them to find Cartion, or imprison them as said is, for any debt whatsoever; Except allanerly for Horse-meat or Manstat, Abuilzements or other Merchandice due by Strangers to Burgefles: For which they have no other fecurity but their own Compt-books; and for which the faid priviledge of Arreastment shall only be competent mile Merchant, Inn-keeper or Stabler respective from whom the samin was gotten, and to whom it was mally addebted: So that, in case the samin be assigned to any other Burgess, the Assignee shall not have the benefit of that Priviledge. And fiklike, if Strangers have given Band or other fecurity, for the Mans meat, Horse-meat, Abuilzements or other Merchandice, The Merchant, Inn-keeper or Stablet respective shall not have the benefit of the foresaid Priviledge; but shall be lest to pursue for their respective Debts beethe Judge Ordinar as accords. And in regard that Burghs of Regality and Barrony do affume the fame Priviledge; Therefore His Majesty, with advice foresaid, Inhibits & Discharges the Magistrates of these Burghs Arreaft or Incarcerat any persons who are not Burgesses Inhabitants in their Burgh, for any maner of Debt: And it is hereby Declared, That, if any Magistrate of any Burgh shall presume to do in the contrair hereot. They shall be punished for wrongous Imprisonment of His Majesties Leiges.

IX.

A CT against Unlawful Ordinations.

Edinburgh, 24. of July, 1672.

UR SOVERAIGN LORD confidering, that the true and regular way of Ordination to the holy Calling and Imployment of the Ministry is of great and necessary importance, to the Constitution, Peace d Unity of this Church, and for preferving the Reverence and Interest of the Reformed Religion profed in it; and for the preventing of the grouth of scandalous Schism and Confusion arising from various and Brent Ordinations: Doth therefore, with advice and confent of His Estates of Parliament, Statute and Ordain, that no person or persons whatsoever presume to appoint or Ordain any person to the Office and Work of the Ministry, except these who have Authority approven by the Laws of the Kingdom for that effect; and that no person take Ordination from any, but such as are thus Lawfully Authorized to give the same: Declaring hereby, all pretended Ordinations of any persons, since the Year, 1661. which have not been, thereafter shall not be, according to the Appointment of the Law, to be null and invalid; And all persons ho, fince the faid Year, have received pretended Ordination, or shall receive the same any other maner tway then as is settled by Law, to be no Ministers. And His Majesty, with advice foresaid, Statutes Ordains, that both the pretended Ordainers, and these who shall pretend to have received Ordination, bestised upon by the Sheriff or other ordinar Magistrat of the place, and committed to Prison, until they be ated to the Lords of the Privy Council; who are hereby Authorized and Ordained after tryal, and finding the saids persons guilty, to sentence them by Consiscation of all their moveable Goods, and banishing them, and to cause them find Caution not to returne to His Majesties Dominions. And in case they shall refuse to find Caution, or being banished, shall afterwards return to this Kingdom, that they shall suffer perpetuimprisonment, and not to be released, except by a Warrand under His Majesties own hand. And farther. his hereby Statute & Declared, that who foever shall be married within this Kingdom by the forefaids persons, or by any other person not lawfully Authorized, They shall amit and lose any right or interest they may have by that Marriage, jure Mariti vel jure Relicta, and that by and attour the pains and penalties provided by the Act of Parliament in Anno 1661. against disorderly and clandestine Marriages: Which Act is hereby Ratified and Renewed.

X

A C T concerning Apparel.

Edinburgh, 26. of July, 1672.

UR SOVERAIGN LORD confidering the great prejudice, which this Kingdom doth fullain by the fumptuousness and prodigality which all forts of persons use in their Apparel, without regard to, or distinction of, their several degrees and qualities; considerable summes of money being, upon that occasion, unnecessarily exported out of the Kingdom, and the Native Commodities and Manufactories thereof being thereby neglected, and not improven for the use and advantage of the Inhabitants: For remeid where of, His Majesty, with advice and consent of His Estates of Parliament, Statutes and Ordains, that none of His Majesties Subjects of this Kingdom, of whatsoever degree, condition or quality, shall, after the first day of June, one thousand, fix hundred, threescore thirteen Years, wear any Cloths or Apparel wherein there is any Gold or Silver; or wear any Gold or Silver Laces of whatfoever kind, Buttons, Ribbands, Tracings, Fringe, or Louping made of Gold or Silver; or have any Imbroidering of Gold or Silver upon their Apparel, Swordbelts or any other manner of way: Excepting alwayes Buttons, Buckles and Hilts of Swords of Gold-Imithwork, which the Priviledged Persons after-exprest are allowed to wear, and no others: And that none wear any Flowred Stuffs, Stripped stuffs, or Brocado's of Silk, or have any Silk-lace, Gimp lace, or any other kind of Lace or Imbroidering of Silk upon their wearing Cloathes: And that no person presume to import into this Kingdom, or make, or fell therein any of the Commodities above-express after the date hereof; Certifying such as shall contraveen, that they shall be lyable in the pains following, viz. The Importer, Maker and Seller, shall be fyned in One thousand pounds Scots, by and attour the Confiscation of the Goods fo imported, made or fold: And the Wearer thereof in five hundred merks Scots, toties quoties, by and attour the Confiscation of the Cloathes. And it is hereby Declared, that the Importer of such prohibited Goods shall not have Action, for the price thereof, against the Merchant, for whose use the same were impored; Nor the seller thereof against the Buyer, albeit Bands be given for the same, if it can be made appear that the Bands were given for that cause: Excepting alwayes from this present Act, Comedians, as to the Cloathes which they make use of upon the Stage; Heraulds, as to their Coats, and His Majesties Trumpetters; And also excepting Pages and Lacqueys of the Priviledged Persons after-named, as to filk-laces and Pasments allanerly, which they are hereby allowed to wear upon their Livery-cleathes. And His Majesty, with advice foresaid, Doth Statute and Ordaine, that none of His Subjects shall, after the first of June next, wear any Cloathing or Apparel of Velvet, Sattin or other stuffs of Silk, or wear any Beaver-hats, under the pain of five hundred merks, to be payed by the contraveener, toties quoties: Except Noble men, Prelates, His Majesties Counsellors, Lords of Session, and such Barrons, Knights, or Gentle-men, who have of yearly valued Rent Two thousand pound; Scots money; And the Provosts of the principal Burrows within this Kingdom; Or these that have been Provosts, and such also as shall be for the time, or have been Provosts, Baillies, Dean of Gild or Theafurer within the Town of Edinburgh: Excepting also Rectors of Universities and the Wives of the faids Priviledged Persons, their eldest Sons, and eldest Daughters unmarried, and all the Children of Noble-men; And that none wear any Ribbands or Louping of Silk upon their Apparel, or any white Lace, or Point made of Threed, under the pain of Five hundred merks Scots toties quoties; Excepting the Privileged Persons aforesaid, who are hereby allowed to wear plain Tastety-ribbands upon their Apparel, and to wear white Lace or Point made of Threed upon their Linnings only. And all persons whatleever are hereby prohibited to wear Feathers, except Souldiers, under the pain aforefaid: But prejudice alwayes to all ranks of persons (except those of the Yeomanry) to wear plain Taffety-ribbands upon such parts of their Apparel where they may have occasion of the same for Tyes; and to Women to wear Hoods and Skarfs of Taffety: And but prejudice to domestick servants to wear their Masters or Mistresses old Cloathes, allowed to them by this Act. And for the better effectuating hereof, His Majesty, with advice foresaid, Ordains all Collectors of Assessment and Excise, and their Sub-Collectors, Farmorers and Collectors of Customes, and Waiters in Burgh or Land, at every Term to give up, upon Oath, to the Commissioners of Excise in the several Shires and Burghs, and to the General Collectors of the Customes and Excise, Lists of all those whom they have seen and observed to transgress this Act: And it is hereby Declared, that the one half of the penalties aforefaid shall belong to themselves, and the other half shall be collected by them for His Majesties use; Tryal being first taken, and the persons found guilty, by the Commissioners of Assessment Excise, Justices of Peace, or other ordinary Magistrate of the place: And such Contravceners as they shall not give information of, that the one half of their Fynes shall belong to any other person who shall discover them. And in case the said Collectors of Assessment and Excise, Farmorers and Collectors of Customes, or Waiters, shall failzie to give up the faid Lists as aforesaid, They shall thereby lose their places, and be incapable of that Service for ever. It is alwayes provided, that no persons contraveening this Act, shall be liable to the faids penalties, unless their names be given up within the space of three months after their incurting thereof: But prejudice alwayes to any other person, who shall discover the Contraveeners in manner forelaid,

forefaid, of the one half of the penalties, when foever they shall discover them. Likeas, the Commissioners of His Majesties Justiciary are hereby required to give Order, at their Circuit Courts, to take up Dittays against the Transgressors of this Act; and to proceed against them, by syning them in the summes above-mentioned, and to exact the same. Likeas, His Majesty, with advice foresaid, Doth hereby Authorize and Impower the Lords of His Privy Council to take such surther courses, for making this Act effectual, as They shall think fit.

XI.

ACT against such who do not Baptize their Children.

Edinburgh, 16. of August, 1672.

The Kings Majesty, considering that diverse disaffected persons in this Kingdom, being unwilling to have their Children Baptized in an orderly way, do either delay to Baptize them, or pretend that they are not Baptized; thinking thereby to escape the punishment, which by former Acts of Parliament, is appointed to be institcted upon such as are guilty of disorderly Baptizing: Doth therefore, with advice and consent of His Estates in Parliament, Statute and Declare, that such Parents, who shall hereafter keep their Children un-baptized for the space of thirty dayes together, or shall not produce a Testificat under the hand of the Minister of the Parish, bearing that the Children were Baptized within the said space, shall incure, and be lyable to, the pains and penalties following; viz. Every Heretor, Life-renter, or proper Wod-setter, shall be syned in a fourth part of his valued yearly Rent; Every person, above the degree of a Tennent, having a personal, but no Real Estate, in One hundred pounds Scots; Every considerable Merdant, in an hundred pounds; Every inferior Merchant, or considerable Tradesman, and every Tennent bouring Land, in sifty pounds; Every meaner Burges, Tradesman, Inhabitant within Burgh, and every Cottar, in twenty pounds Scots; and every Servant in half a years Fee. And it is hereby Declared, but, where Kirks are Vacant, the Parents shall, within the said space of thirty dayes, be oblidged to go to the next diacent Parish Kirk which is Planted, and obtain their Children Baptized there, under the foresaid malties. And His Majesty, with advice foresaid, Requires the Sheriffs, Stewarts, Lords of Regalities, and their Deputs, and Magistrates of Burghs Royal, within their respective bounds, to put this Act in execution, by calling before them, and judging the Contraveeners, and uplifting the Fynes above-mentioned. And for their encouragement, They are hereby allowed to retain the Fynes of all the saids persons for their ownuse; except these of Heritors, for which they are to be comptable to the Co

XIII,

ACT for an Anniversary Thanksgiving.

Edinburgh, 21. of August, 1672.

The Estates of Parliament, considering the great Blessing of Almighty GOD, in restoring His Majesty to the Throne of His Royal Ancestors; and thereby liberating these Kingdoms from the thraldom and loadage under which they did so long groan; In acknowledgment of Their Thankfulness to GOD, and of Their Duty and Loyalty to His Majesty, and that the memory of sogreat a Mercy may never sall in oblivionor neglect: Do humbly offer to His Majesty, that the Anniversary Solemnity be yearly and perpetually kept by all the People of this Kingdom, upon the 29. of May, being the Day of His Majesties Birth and Restauration. Therefore His Majesty, with consent of the Estates of Parliament, Statutes and Ordains, that the Anniversary Solemnity, for His Majesties happy Birth and Restauration, shall, in all time coming, be kept upon the 29. day of May yearly; and that ringing of Bells, throughout the whole Kingdom, and other Evidences of Joy, be observed the said whole Day, with Bonesires at night; And that all Ministers within the Kingdom shall Preach yearly upon the said 29. of May, that they, with the People, may give thanks to GOD Almighty, for His so signal Goodness to these Kingdoms. Certifying, that whosoever shall sail in observing this present Act, they shall be speed, and otherwise punished, by His Majesties Privy Council, and other Judges ordinar, according to their condition and estate. And His Majesty, with advice foresaid, Declares, that this present Act shall be the Rule and Warrant for the said Anniversary, in all time coming.

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ACT for the Ann due to the Executors of Bishops and Ministers.

Edinburgh, 23. of August, 1672.

He Kings Majesty, judging it necessary, for the good of the Church, that such a stated and equal course be taken for clearing and securing the Ann due to the Executors of deceast Bishops, Beneficed persons and Stipendiary Ministers, as may be suitable to the Interest of the Executors, and no discourage. ment or hinderance to the planting of the Vacant Benefices: Doth therefore, with advice and confent of His Estates of Parliament, Statute and Ordain, that, in all such cases hereafter, the Annshall be an half years Rent of the Benefice or Stipend over and above what is due to the Defunct for his Incumbency; which is now fetled to be thus, viz. If the Incumbent furvive Whit funday, their shall belong to them for their Incumbency, the half of that years Stipend or Benefice, and for the Ann the other half: And if the Incumbent survive Michaelmass, he shall have right to that whole Years Rent for his Incumbency; and for his Ann, shall have the half years Rent of the following year: And that the Executors shall have right hereto, without necessity or expences of a Confirmation.

XIV.

ACT for the Retouring of Taxt-Marriages

Edinburgh, 23. of August, 1672.

He Kings Majesty and the Estates of Parliament, taking to their consideration the great prejudice His Majesty sustains by the several Services of Heirs, holding Land of His Majesty, Waird, Taxt or Few with the Marriage; And the Retour making no mention of the Taxt of the Marriage, His Majesty is ofttimes frustrate of His Casuality of the Marriage: For preventing whereof, It is Statute and Ordained, that the Inquest upon each service of Heirs, holding Lands Waird, Taxt or Few with the Marriage, shall here. after take tryal what is the Taxt for the Marriage, and of the Few cum Maritagio, if it be Taxt; and return the same to the Chancellary, to be insert in the Precept.

XV.

Commission for Plantation of Kirks, and Valuation of Teinds.

Edinburgh, 28. of August, 1672.

Orasmuch as His Majesties Father, of ever blessed Memory, out of His Royal Care and Zeal for the Reformed Religion within this Kingdom, and the maintenance and provision of the Ministry and Churches thereof, and the Peace of the Kingdom, and for preventing, and fettling all Questions and Differences that did, or might arise betwixt Titulars and others having right to Teinds, and Heretors, concerning the leading and drawing of their Teinds; Did, immediatly after His attaining and fucceeding to the Crown, Give forth and emit His Royal Declaration anent the premisses, and the other particulars therein mentioned. And in pursuance of the ends foresaids, diverse Laws and Acts of Parliament were made in the year of our Lord, 1633. His faid Majesty being present in His Royal Person; and since, diverse Acts of Parliament and Commissions have been, from time to time, Made, Given and Renewed to that purpose: And yet, by reason of the unhappy Troubles and Distractions of the late Times, that good and necessary Work neither is, nor could be throughly and fully accomplished. And, His Majesty being resolved, and desirous to profecute fo good a Work, for the universal Good of His Subjects, and specially for the encouragement of the Ministers of the Gospel: Therefor His Majesty, with advice and consent foresaid, Gives full power and Commission to His Majesties Officers of Estate for the time being; And to the Arch-Bishop of St. Indrews, the Arch-Bishop of Glasgow, the Bishop of Edinburgh, the Bishop of Dunkeldin, the Bishop of Galloway, the Bishop of the Isles, the Bishop of Breichin, the Bishop of Dunkeldin, and the Bishop of Aberdene, for the Clergy; The Duke of Hamilton, the Earl of Argyl, the Earl of Athol, the Earl of Linlithghow, the Earl of Queensberry, the Earl of Tweedale, the Earl of Kincardin, the Earl of Dundonnald, and the Lord Elphingston, for the Nobility; The President of the Session, the Lord Colingtonn, the Lord Gosford, the Lord Craigie, the Laird of Niddrie, the Laird of Nickolfon, the Laird of Balcaskie, Sir Charles Erskin of Cambo, and Sir William Lockhart, for the Barons; Sir Andrew Ramfay, Sir William Thomson, Sir William Sharp, Sir Alexander Bruce; John Murray, Tutor of Stormonth, Robert Milne, Thomas Calderwood, William Binning, and John Johnstoun of Poltoun, for the Burgesles; Or any eleven of them, whereof two of the Clergy, two of the Nobility, two Officers of Estate, and two Commissioners of Shires and two of Burges. Of which number, the Arch Bishop of St. Andrews cashe Lord Chancellor. Shires, and two of Burghs; Of which number, the Arch-Bishop of St. Andrews, or the Lord Chancellor,

or one of the Commissioners of the Thesaurary, or the Arch-Bishop of Glasgow, or the Lord Privy Seal, or the Lord Secretary, or the Duke of Hamilton, or the Earl of Tweedale, being always one, To meet and conveen at Edinburgh, the day of Years; And at fuch other place or places, times or diets as They shall appoint, To Value, and cause be valued, whatsoever Teinds great or small, Parsonage or Vicarage, within this Kingdom, which are yet unvalued: Declaring, that where the Vicarage of any Parish is a several Benefice and Title from the Parsonage, the same shall be severally valued, to the effect the Titulars, or Ministers serving the Cure, having right to the said Vicarage, be not fullrated of the true worth thereof. With power to the faids Commissioners, or Quorum forefaid, to appoint Committees, or Sub-committees of their own number, and to grant Sub-commissions, and to receive reports from them, and to approve or disapprove the same, as they shall find just; and to rectific whathever Valuations led or to be led, to the enorm prejudice of the Titulars, or the hurt and detriment of he Kirk, and prejudice of the Ministers maintenance and provisions. Provided alwayes, Likeas it is breby expresly provided, that, where Valuations are lawfully led against all parties having interest, and lowed by former Commissions; The same shall not be drawn in question, nor rectified, upon pretence of enorm lesion, at the instance of the Minister (not being Titular) or at the instance of His Majesties Adrocat, in respect of His Majesties Annuity; Except it can be proven, that collusion was used betwixt the Titulars and Heretors, or betwixt the Procurator Fiscal and Heritors and Titulars: Which collusion is deduced to be, when the Valuations are led with the diminution of the third part of the just Rent: which diminution shall be proven by the parties oath: And with power to the saids Commissioners, or Quartum forefaid, where Ministers are not already sufficiently provided, or have not Localities assigned to them for their Sipends, out of the Teinds within the Parish where they serve the Cure, in so far as the samin will amount to, according to the quantities, proportions and rules contained in the nineteenth Act of the Parliament in Anno, 1633. To modifie, settle and appoint constant locall Stipends to ilk Minister, out of the Teinds of the Parith where they ferve the Cure. With power alfo, to grant recompence, by prorogation of Tacks poparties, for the augmentation of Stipends, which shall be imposed suitable to the said augmentation, as the faids Commissioners shall think just. And sicklike, with power to disjoin too large and spacious Pahes, to cause erect and build new Churches, to dismember and annex Kirks, as they shall think conveent. And to take order, that every Heritor and Life-renter shall have the leading and buying of their own Teinds, if they be willing, according to the rules prescribed by the nineteenth Act and Commission granted by His Majesty, with consent of the Estates of Parliament in Anno, 1633. and the Acts of Parliament mercin mentioned. With power to determine all Questions concerning the prices of Teinds betwixt Titubrsand others having right thereto, and the Heritors: and to appoint such securities, in favours of the Timlars and others having right to the Teinds, for the prices to be granted to the Heritors or others lyable in payment of the valued Duties, or Buyers of the faids Teinds; and in favours of the Ministers, as to their maintenance, as the faids Commissioners shall think fitting, according to the Rules set down in the faid Act in Anno, 1633. And the Heritors to have liberty to buy the Teinds of their Lands which are not vaued, within the space of three years after the date of this Act: With this Declaration alwayes, that, in case the impediment, during the time forefaid, flow from the Titular, by reason of his minority or other inability; in that case the Heritor, who offered to buy his own Teind within the space foresaid, shall have place, so soon as the impediment is removed, to buy his Teinds, norwithstanding of the expyring of the years and space above-exprest. And it is Declared, that, if the Heritor be Minor, and his Tutors neglect the mying of his Teinds within the forefaid space; The Minor shall have action for two years after his minority; to compel the litular to fell his faids Teinds: And generally with power to the faids Commissioners to ecide and determine in all other points which may concern the leading and drawing the Teinds, the felling arbuying of the same, or payment of the rates thereof, contained in the former Acts of Parliament, or to down in the general determination given out by His Majesties Royal Father, of blessed Memory. And it any person or persons shall find themselves grieved, and complain of the injustice or exorbitancy of any Decreets and Sentences given in any of the Commissions during the late Troubles; with power to the fids Commissioners to take the same to their consideration, and to alter, annul or allow the saids Decreets and Sentences, as they shall find just. And it is alwayes Provided and Declared, that Arch-Bishops and Bishops, and other Beneficed Persons, being Ministers, and their Successors, shall not be prejudged of the Rents whereof their Predecessors were in Actual and Reall possession; and which, by the Laws of the Kingdom, were due to them in Anno, 1637. And that they shall be no farther bound, but according to the toyisions and conditions exprest in the Submissions made by the Bishops to His Majesties Royal Father, of bessed Memory; which is of the date the bleffed Memory; which is of the date the day of 1628. Years, and Regi-strate in the Books of Commission for Surrenders and Teinds, upon the 15. day of July, 1631. And whereas it may fall out, that some of the saids Commissioners may be unable to attend the Service, through death, sickness or other known impediment: Therefore His Majesty Declares, that He shall be careful to fill their places with other Persons qualified, whose Oaths, for faithful discharge of the same, shall be taken by the Chancellor, or, in his absence, by the President of the Commission for the time; And Ordains this present Commission to endure ay and while the same be discharged by His Majesty, and the Acts, Decreets and Sentences thereof to have the force, strength and effect of a Decreet and Sentence of Parliament; and the Lords of Session to grant Letters of Horning, Poinding and others requisite in maner contained in the foresaids Commissions. And His Majesty, with consent foresaid, hereby Discharges all former Commissions, Declaring the same to be expected.

X V I.

A C T concerning the Regulation of the Indicatories.

Edinburgh, 30. of August, 1672.

HE Kings Majesty being desirous, that the publick Judicatories of this Kingdom might be so regular. that all abuses which had, or might probably creep into the same, be redressed and prevented; that the best, most summar and equal way, of bringing and calling of Processes for dispensing of Justice, should be settled, as his Subjects might be relieved and secured against oppression and exactions, and that Justice might be administrat to them with expedition, and as little trouble and charge as may be: Did, by Commission under the Great Soal, of the 21. of September, 1669. Authorize some Noblemen and other of his Privy Council and Session, to consult, settle and set down such Rules and Orders as they should judge necessary for these ends, and to return an account of their proceedings to His Majesty, that He might take fuch course therein, as in His Royal Wisdom He should think fit. In obedience whereunto, the Commission oners having had feveral meetings, and confulted on the best and readiest wayes, for the prosecution of His Majesties Royal Intention, for the good and ease of His Subjects, and finding the same to be of such impor. tance, as required a longer time to make a full fettlement therein; Yet, in the moneth of March, 1670. they agreed unto, condescended upon, and did return to His Majesty, certain Rules and Articles of Repu lation, without prejudice of what, upon furder confideration, they should thereafter offer for a full settle ment. And His Majesty having considered these Rules and Articles, did, by His Royal Allowance of the fourth of June, 1670. Ratifie and Approve the same, and did Ordain them to be duly observed in all time coming. And the Commissioners having since that time, keeped several Meetings, and taken that Affair into their furder consideration, have resolved upon some other Articles, Rules and Amendments; which being joyned with the former, and again offered to His Majesties consideration, His Majesty doth, with Advice and Confent of His Estates of Parliament, Ratific and Approve the same, and Ordains them to be recorded in the Books of Parliament, and duly observed by all His Majesties Subjects. Of the which Articles, the Tenor follows.

I. Concerning the SESSION.

S Eeing a great part of the trouble and expences of the Lieges, in obtaining of Justice in their Causes, is occasioned through the uncertainty of their attendance, upon Processes depending before the Lords of Session; whereby not knowing any certain time, at or about which their Processes will be called, they are necessitat to wait on the most part of the time of the Session, during the dependence of their Processes, or otherwayes to be absent when the same are discussed. That therefore, all Processes shall be discussed and determined as the Parties are in readiness, and do call for Justice after the same have been seen by the Desenders Advocats, and are returned by them; And that according to the date of the Returns which are set down. and figned by the Defenders Advocat upon the Process it felf, that no Parties be preferred in obtaining Justie to any other who was ready, and calling for it before. And that Books of Enrollment be made for enrolling the faid Processes, according to the dates of the Returns; that thereby notice may be timeously given to all Parties having Interest in the Process, how far the Lords of Session are advanced, in discussing and determining Processes according to the saids Rolls, that the Parties may be present when their Processes will fall in to be discuss'd and determined, in their course as they stand in the Rolls; and may in the mean time rest quiet and fecure, that their Rights and Interests will not be decided when they cannot know to be present, which cannot be attained, unlesse all priviledges whereby any Cause can be called, otherwise then according to its due course in the saids Rolls, be laid aside; Excepting only the Causes belonging properly to the Kings Majesty (and not to Donators or others) which may be called at any time when His Majesties Advocat pleaseth, upon either of the two next Sederunt-dayes after the Processe is returned; or if the same be not called on either of the faids two dayes, at any time thereafter, upon fifteen dayes advertisement to the Defenders Advocats, that they may acquaint their Chents to be present.

2. That the Books of Enrollment for the Outer-house be keept and made up by the person appointed, or to be appointed by the Lords of Session, who shall attend at the Session-house each Saturday in Session-time, from two a clock in the afternoon, till four, and shall take up a Note of all Processes shown to him, containing the names and designations of the Pursuers and Desenders, and the name of the Cause, whether it be Advocation, Suspension, Declarator, Reduction, or any other having a special name; or otherwise under the name of Lybell'd Summonds, and contain the date of the return, signed by the Desenders Advocats upon the Process; and by the said Note, shall insert in the Books all that is produced that day, in manner following, viz.

in one

in one Book Suspensions, Advocations, Removings, Ejections and Recent-spuilzies: And in the other Book, all other Causes, according to the dates of the Returns, expressing in the Books, the day of the moneth of the uptaking, before the Causes taken up that day, and also expressing the day of the moneth of the return, before the Causes returned each day, and shall interline nor insert no Cause in the said Books, but set them down in order as they were presented, according to the date of their returns; and shall receive for inserting of the saids Causes in the Books, and for affixing Rolls upon the Wall conform to the said Books, for every Process four shillings Scots, and no more, although the said Process should continue to be Enrolled several weeks, untill the Ordinary have called and heard the same; which Books of Enrollment shall alwayes remain in the Session-house, and be patent to the Lieges, that thence Advertisements may be given to all parties having interest; and for shewing whereof, the Keeper of the Books shall exact or take no money or gratification.

That the Keeper of the Books of Entollment for the Outer-house, take out of these Books, and affix each Monday upon the ordinary place of the Wall of the Outer-house, two Rolls, one containing Suspensions, Advocations, Removings, Ejections and Recent-spuilzies, to be called upon Tuesday and Wednesday; And the other Roll containing the Causes insert in the other Book of Enrollment, to be called upon the rel of the dayes of the week; which Rolls are to be taken up in all things conform to the said Books of Enrollment, expressing the day of up-taking; and that the day of the moneth of the several Returns, be set before the Processes insert each day, and each subsequent weeks Roll shall, in the first place, contain what remained undiscussed by an Act. Decreet, or Protestation, or not delet by the Ordinary, upon the Pursuers are insisting. And where Processes are delayed to a day, till the Partiessee, or something be produced or done, which requires not an extracted Act, the same shall remain in all subsequent Rolls, in the same day that it was in the first Roll, that after the day to which it was delayed, it may be called by the Ordinary till the discussed or delet: And for that effect, the Ordinary shall on the Margent of the Roll, mark at that Process, to what day it is delayed, which shall remain so marked in the subsequent Rolls, till the Cause be discussed. And in case the Ordinary shall discusse the Roll of the Causes above-express, appointed to be called your Tuesday or Wednesday before these two dayes expire; he is to proceed to the discussing of the Causes in the other Roll.

4 That the Keeper of the faid Books of Enrollment for the Outer-house, do exactly and punctually observe the Rules and Orders aforesaid, and that the person who shall hereafter be appointed Keeper of the saids Books, give his oath for that effect, (the present Keeper of these Books having already made faith to that purpose) and if he transgress the saids Rules, the Lords shall deprive him of his Office, and otherwayes punish him as they see cause, and appoint another in his place, who, and his Successors, shall alwayes be lyable stockering the premisses.

5. That in like manner there be a Book of Enrollment of Processes to be discuss'd in the Inner-house, containing Causes proper for the Inner-house; as the discussing of reasons of Reduction of Heretable Rights of lands, or Annual-rents, Declarators of Rights thereof, Probations of Tenors of Writs destroyed or lost, Cosses bonorum, which Book shall be keept by a person appointed, or to be appointed by the Lord Chancellor, who shall insert the saids Processes as they are in readiness to be discuss'd in the Inner-house, viz. Reductions after the Production is closed, and Declarators, Tenors and Cessions bonorum, after the Dilators are decised in the Outer-house, and a great avisandum made by the Ordinary in the Outer-house, who is to proceed no further therein; and that according to the date of that great avisandum, as it stands written upon the loces by the Clerk of the Process: And where the Lords, upon report of Dispute from the Outer-house and by the Ordinary, shall for the importance, intricacy, or preparative of the points reported, ordain the lander to be heard in presence of the whole Lords, the said Process shall be insert in the Roll of the Inner-house, according to the date of the Lords deliverance, appointing it to be heard in their presence.

6. That there be a Book of Enrollment of concluded Causes, whereof the probation is to be advised by the Lords, to be insert according to the date of the conclusion of the Cause, as the same shall be presented by the Clerks of the Process, to be keept by the Keeper of the said Book of Enrollment for the Inter-house.

7. That the Keeper of the saids Books of Enrollment for the Inner-house, shall attend in the Session-house each Saturday from two to three a clock in the afternoon, and shall receive and insert all Processes which shall be offered to him in either of the saids Books, according to the order foresaid; and shall receive thirty shillings Scots for each Process to be insert in the Book of Causes to be discussed, and twelve shillings for each Cause to be insert in the Book of concluded Causes, and shall exact or take no more for himself or his fermants; and shall make the saids Books patent to all the Lieges freely, and shall affix a Roll both of Processes to be discussed in the Inner-house, and of concluded Causes, in all things conform to the Books, toon Monday, als oft as need beis; and shall add to the Causes in the said Roll for subsequent weeks, in the same manner as is appointed for the Rolls of the Outer-house, and both in the Books and Rolls shall expess the day of up-taking the Process, and the day of the great avisandum or Ordinance of the Lords for learning the Cause in their presence, subjoyning thereto the Causes each day, both in the Books and Rolls of Causes to be discussed, and the like for the Book and Roll of concluded Causes; according to the date of the conclusion of the Cause.

8. That the keeper of the faids Books of Enrolment for the Inner-house observe the premisses punctually under the pain of deprivation, and being surther censured by the Lords, as they shall see cause: And that his Successors shall make faith to observe the premisses in all points; the present Keeper of these Books having

already given his oath to that effect.

9. That the Lords both in the Inner-house and Outer-house shall proceed to the discussing of Processes, in order as they stand in the faid Rols respective, without passing over, or anticipating any Cause; and that each Process shall be still called in its order, untill it be brought to an Act, Protestation, or Decreet; and if it be delayed till something be produced or done which requires not an Act extracted, that after the day to which

it is delayed, the same shall be call'd till it be discuss'd.

10. And where at the calling of any Cause in the Inner or Outer-house, the Pursuer insists not, the Process shall be delet out of the Roll, and Protestation shall be granted to the Desender, without any other folemnity, but the demanding thereof at the calling of the Cause, whereby the Defender shall not be oblide. ed to answer untill he be summoned of new, and the Protestation money paid, that he be not obligged to an uncertain attendance at the Pursuers pleasure. And in case at the calling of any Process in the Outer-house, any Parties Advocat be in the Inner-house, the Ordinary shall call the Cause the next day thereafter, ifhe be defired upon a Ticket to be given to him before he go to the Bench; but that no Advocat make interruption by calling otherwayes over the Bar.

11. That the Lords by no importunity alter the order of the faids Rolls by any Deliverance or Warrand. except it be for discussing reasons of Reduction of small difficulty and importance in the Outer-house, before they be Enrolled in the Inner-house, which shall be Enrolled in the Roll of the Outer-house, according as they

shall be presented to the Keeper of the Roll, in the same manner as other Processes.

That if any Cause be called by anticipation, out of its due place, the Pursuers Advocat may refu to infift, or the Defenders Advocat to answer, and it shall be a sufficient desence that he is not obligged to answer before its due course in the Roll: And although neither parties Advocat should object, seeing others who were anterior in the Roll are prejudged, the Clerks are prohibit to write on any fuch Process called out of its own course, or to extract any Act or Decreet thereupon.

13. That the Lords of Session every Session, go near the discussing of all Causes enrolled that Session; and that as they see their work by the Books of Enrollment, they meet the sooner in the morning, and also meet in the afternoon for taking in Reports from the Outer-house, which requires not the attendance of Advoca and which confumes much of the time both in the Inner and Outer-house in the forernoon; and also for advi-

fing of concluded Causes, which of all other should be least delayed.

14. That if any Act, Decreet or Protestation be stopped, either by the Ordinary or by the whole Lords, the fame shall be called and heard upon the Bench in the Outer-house, by the Ordinar who formerly heard the Cause, either the next day, or upon Tuesday in the ensuing week, or any other morning thereafter, before the Ordinary in the Outer-house come out; and that he proceed in the Processes untill the same be discussed, delet, or Protestation ganted in manner foresaid, and that the same shall not be again brought into the Roll.

15. That no Bill be presented to the Lords for stopping or rectifying any Act or Decreet past in the Outer house, until the party first make application to the Ordinary who heard and pronounced the same; and if he refuse to hear the Party upon any new matter condescended on, or in case of doubtfulnesse, to report a least upon consignation of an Amaund: In that case, the Party may give in a Bill to the Lords, expressing his application to the Ordinar, and his resusal to hear or report, as said is, and expressing the special matter which he desireth in the Process, and no otherwayes.

16. To the effect, the Lords of Session may be in better capacity to discuss the Processes which come be fore them, not being overburdened with small and inconsiderable Causes, That all Causes, not exceed the value of two hundred Marks Scots, be in the first instance carried on before the inferiour Judges; that no Summons be raifed upon Bill, or otherwayes for Caufes of less importance, for which the Clerk of the Bills and Writers to the Signet are to be answerable at their peril; except there be such reasons condecended on in the Bill, as would be sufficient to procure an Advocation of the Cause from the inferior Judge, in behalf of a Defender, and competent Instructions thereof; And that such Bills do not pass of course, but be specially presented and read to the Ordinary, and that the deliverance on the back thereof bear, Because the Lords have found sufficient ground, for which the Cause ought not in the first instance to be pursued before the inferior Iudge Ordinar, but before the Lords: Excepting also, the Causes belonging to the Members of the Colledge of Justice, and except Sums due to Merchants, Cooks, Vintners and others in Brown for Evening as the Colledge of Sufficers and except Sums due to Merchants, Cooks, Vintners and others in Burgh, for Furniture taken off from them, by fuch as dwell not within the Shire where the Furniture was taken off.

17. That where Causes are begun before inferior Courts, no Advocation thereof shall be past, being of no greater importance then as aforefaid, otherwayes then is provided by the Act of Parliament; And that the Clerk of the Bills be answerable therefore, not to present, pass or write on any such Bill at his petil.

18. That where Decreets are past before inferior Courts, and craved to be suspended; if the reasons pro ceed not on iniquity, but upon alledgeance, that the Decreet was in absence, so that the craver of the Sulpension hath never appeared, or hath not continued to defend while there was no in-justice done:

din that case, he shall be obligged at the passing of the Bill of Suspension, to consign in the hands of the rk of the Bills, fuch fums for the expences of the party, as the paffer of the Bill shall appoint, according the importance of the Cause and the distance of the party, which shall be given up to the Charger, if the usender hath not compeared, or continued to defend before the interior Court, as said is; and that immendy at the calling of the Cause to be discuss'd, when the compearance in the Decreet may appear, unless the

Suspender improve the Executions of the Summons whereupon the Decreet did proceed.

19. That Decreets, in foro contradictorio, before the Lords of Session be not again suspended, upon afons competent to have been proponed, or which were repelled in the former Decreet. And to the eftit may be known, with the least expence, what Decreets are in foro, That the Keeper of the Minute-ook make up a Book of the Decreets in foro, according as the same shall each day be given in to him the Clerks, expressing the names of all the Defenders for whom there is compearance; And that Clerk of the Bills from time to time, call for and receive a double of the faid Minute-book of Demeets in foro; And when any Bill of Suspension is to be presented by him, that at his peril he write on no Suspension of any Decreet in foro, contained in the said Book, untill it be presented to the whole Lords in time of Session, and to three met together in time of Vacance, the deliverance bearing, that were met together. And where there is once compearance for any Party, and Defences proponed, Decreet shall be holden as done in foro, and all the Dispute proponed by the Advocats shall be intherein, albeit the Advocat thereafter past from his compearance; And that the first Protestation hall not be suspended, but upon consignation of thirty pounds, and the Suspension thereof shall bear it is the second Suspension; and so forth, all the Suspensions that shall be obtained thereafter, shall bear that the same is the third or fourth Suspension; and that no Suspension shall pass of the second procharion, but in presence of the whole Lords in time of Session, and by three of the Lords met to-sher in time of Vacance, the deliverance bearing as aforesaid: And that the Clerk of the Bills write pon no Bill of Suspension otherwayes, as he will be answerable at his peril, and that the second and herior Protestations shall be insert in the said Book, with the saids Decreets in fore.

20. That where Processes are keeped up unreturned by the Desenders Advocat longer then fix dayes her the out-giving thereof, which is the time allowed for feeing of Processes, that upon complaint iven unto the Lords thereanent, the Ordinary upon the Bills call the Advocat who keeps up the Pros, and fine him in three pounds Scots for ilk day he hath keept the same, from the time that the Process was required from the Advocat, or his principal fervant, personally at the Advocats Chamber, by way of Instrument under a Nottars hand, unto the day that the complaint was given in, and fix pounds for very day that the Process shall be detained by him, after in-giving of the complaint: And that one the Macers be ordered to exact the fine, under the pain of deprivation; And to that effect, that he be warranted to exclude the Advocat out of the House, and not to suffer him to enter the Outerbir, untill he make payment, and that he return the money so exacted, to the Ordinary upon the Bills, whereof the one half is to be put in the poors Box, and the other half to be payed to the party Pursuer, the defire the same, otherwise that the whole be put in the Box.

21. But when there are moe Defenders then one called in a Process, and several Advocats compearing for them, that the Advocat who taketh up the Process to see for the party principally concerned, in whose house the same is appointed to be seen, shall be allowed only four dayes for seeing the Process; in case he do not return the same within that time, that he incur the penalties contained in the for-Artickle: And that after the Process shall be returned, the same shall remain in the Clerks hands fir dayes before it be called, during which time, any Advocat compearing for any other of the Defendmay fee the Process in the Clerks hands, and write thereupon for whom he compears, and sub-ribe the same, and may also borrow the same up from the Clerk, for the space of twenty four hours, on his receipt and confignation of an Amaund, according to the importance of the Cause; and in case do not reproduce the Process within the said space of twenty four hours, upon complaint made thereof, he is to lose the Amaund, and pay fix pounds for ilk day he keeps the Process after the said space of twenty four hours, and the like execution to be used therefore, as in the former case of the Defenders Advocats not returning Processes, given out to them by the Pursuers Advocats. And Likewayes, if any Advocat during the faid space of fix dayes, be desirous to see the Process for any other party having interest, who was not called in the Process, that upon production of the parties interest in the Clerks hands, he be allowed to see in manner foresaid, he alwayes consigning and subscribing for whom he compears: And in case of sailzie to reproduce, being lyable as said is, and that the Advocat shall not be heard when the Cause is called, if he hath neglected to see in manner foresaid, whither he be compearing for any party called in the Procels, or compearing for his interest.

12. In respect it is a great obstruction to the disparch of Processes, that when Causes are called, Defences fometimes are proponed upon Writs, which being neither produced nor feen by the pursuers Advocats, all that is ordinarly done, is to ordain the Writs to be produced; therefore, where ever the Defenders Advocat is to found any Defence upon Writs, that at the returning of the Process, he also produce therewith the Writs ereupon he intends to found any alledgeance, and give in the Defence which he founds upon these Writs, ad mark the particular clauses of the Writ whereupon he founds, otherwise no respect is to be had to the alledgeance to be founded on these Writs, which were in any of the Defenders Advocats hands, or which, or any copy thereof were feen by the faids Advocats, which the purfuers Advocats shall be obligged to return within four dayes after they receive the fame; otherwife, complaint may be made against them, as against Defenders Advocats for keeping up of Processes. And in case any other Writs come to their hands, after the returning of the Process upon which they will found, that in like manner they produce the same to the Pur-

fuers Advocats, before calling of the Cause, under the same certification.

23. That the Suspender at the out-giving of the Suspension, produce therewith all his Verifications, and that at the calling of the Cause, if he have keeped up the Verifications, and offer then to produce the same, that the Ordinary shall give Decreet, because the reasons are not verified conditionally; That if with the Verifications, the Suspender produce in the Clerks hands twelve pounds Scots, two parts thereof to be payed to the Charger, and the third part to the Poor, the same shall be received, and the parties heard thereupon, without enrolling of new; and therefore the Ordinary shall mark upon the Cause, Decreet conditional, to fuch a day: and if betwixt and the faid day, obedience be not given, the Decreet is to be extracted.

24. That the Suspenders Advocat be not allowed to propone any new reasons of Suspension at the Bar which was neither lybelled nor contained in the eiked Reasons of Suspension given out to, and seen by, the

Chargers Advocats, unlesse therewith they consign in manner foresaid.

25. That because Processes are very much lengthned, by the long running of ordinary and incident diligence and terms for production in Reductions and Improbations; For remeid whereof in time coming, there shall only be two diligences against Witnesses, one by Horning, and another by Caption; and there shall be no incident Diligence sustained upon Acts, but where the same is craved and allowed at the pronouncing of the Act, and expressed therein, which shall proceed against the alleadged havers of the Writs, first by Hotning, charging them to compear and produce upon oath, and next by Caption, in case they do not compear and depone; and that there be only one term for production in fingle Reductions, and two in Improbations And that the Clerks infert no Refervations in Acts for Production, but that all exceptions competent before production, be discussed before assigning of terms.

26. That no more Advocats be imployed or marked in any Cause for a Party, but only three in the Innerhouse, and three in the Outer-house at most; and that only two be allowed in the Inner-house, to speak one after another upon one fide, before the other Party make an answer; And that the Lord Chancellor or Prefident keep the Advocats closs to the point, and that no Advocat be allowed to speak above half an hourte-

gether at most, at one time.

27. That the Allowance of Advocats in time coming, be regulate according to the quality of the persons who employes them, in manner following, viz. that for every Confultation, Pleading thereupon, and drawing Bills upon any Interloquitor thereanent altogether, there be given at most to any Advocat, by Nobles men eighteen pounds, by Knights and Barrons fifteen pounds, by Gentle-men and chief Burgesses twelve pounds, and by all the rest of the people nine pounds: And that nothing be allowed for drawing Information ons to be given to the Lords after Dispute, but to one Advocat only, and that the Allowance therefore be

only the half of what is allowed for the Consultation.

28. That the parties Pursuer and Defender do give in with the Process, a Declaration under their hands, bearing, That as they shall answer to God, they have not given, nor shall give any more to any Advocat employed by them in that Process, for every Consultation comprehending as aforesaid, then the foresaid Allowance; which Declaration is to be given in by the Defender at the return of the Process, and by the Purfuer before the Process be called. And in case of the Cliems Minority, his Tutors or Curators, and in case of his absence, or that he hath employed another to disburse the money for him, the person so employed shall give in the foresaid Declaration upon Oath, which shall bear, That he being the only person employed to disburse money to Advocats in that Process, he hath not given, nor shall give any more then as aforesid And in regard these who are already admitted Advocats have given their oaths, that they shall alwayes of

ferve the faids Rates, that no Advocat be admitted hereafter till they give that Oath.

29. And because by the Act of Parliament, one thousand, fix hundred and twenty one, the rates of Writs are ordered conform to an Act of the Lords of Privy Council and Lords of Seffion, in anno, one thoufand, fix hundred, and fix, the effect whereof hath been frustrate, because nothing thereby is provided to Clerks Servants: And in respect the rates of all things are much encreased since that time; Therefore, that the rates of the Clerks of Seffion be as followeth, viz. For Acts, Decreets, Protestations and Diligences, there shall be only payed to the Clerk and his Servants, three pounds Scots for each sheet, written in the same manner as they are now accustomed, conforme to a Pattern figned by this Commission, and keept by the Lords of Session, excepting Decreets of Transfumpt, Transferring, and of Registration by way of Action, and Commissions wherein there is no dispute, for which there shall be payed three pounds Scots only for the first sheet, and twenty shillings Scots for ilk one of the rest of the sheets. And as to other Writs passing that Office, the fame rates be observed which are contained in the said Act of Parliament; And that the Clerks or their Servants take no money for production of Writs, or giving up of the fame again, minuting of Disputes, or booking of Acts and Decreets, all which shall be payed by the faids Extracts, but that there be allowed to them two merks for taking a Parties Oath, and one merk for every Witnesses deposition, and

thirty shillings Scots for calling of every Act in presence of the Ordinary. And that the Clerks or their Ser vants do not mark upon any Process, Calling, or Compearance, or the calling of any Act, but what was ablickly done by a Macer, that the Advocats may have timeous notice to fatisfie the conclusion of Acts. and that no Decreets be pronounced conditionaly, but fimply, according to the Act to be extracted twenty four hours after the same is read in the Minute-book; and that every Sederunt day, the Minute-book be read outfully, that the Lieges be not delayed or necessitate to attend. And that the Clients shall in the same manner, as in relation to Advocats allowance, give their Oaths that they have keeped, and shall keep the saids Rates, which shall be contained in a Paper, with their Declaration in relation to Advocats. And seeing the present Clerks and their Servants have given their Oaths, that they shall alwayes observe the saids Rules and Rates, that no Clerk be admitted hereafter, till he give that Oath; excepting Acts and Decreets of contentions dispute in presence of the Lords, which are to be at the discretion of the Party, conform to the Act of Parliament. And in regard diverse Processes after dispute and Interloquitors pronounced therein, either in presentia, or in the Outer-house, are transacted and settled by the Parties, so that the Processes come not the length of a Decreet, or if Decreet be pronounced, the same is not extracted: And it being just and reasonable, that the Clerks should have allowance for the pains taken by them in these Processes; therefore, that the Clerks in these cases be allowed to take from their Clients, satisfaction as if Decreets were extracted, according to the sheets of the Act of Litif-contestation, or other Act in the Process; or if their be no Act, according to the sheets of the Summons, Suspension or Advocation; and if the Cause was dispute in the Innerbule, according to the sheets the Minutes of the Processes would amount to, if the same were extended into an Act or Decreet.

30. And anent the Clerks of the Bills and his Servants, that the Rates in the faid Act of Parliament, one thousand, fix hundred, and twenty one, be in all points observed, with this alteration, That whereas that which is allowed by the said Act for the Acts of Caution, with the relief which comprehends the Bills of Suspension, is too low for the Clerk and his Servants, That there be allowed to the said Clerk and his Servants therefore, three pounds and a merk Scots and no more; And seeing the present Clerk of the Bills and his Servants, have made saith that they shall observe the saids Rates, that any Clerk of the Bills who shall be admitted hereaster, shall at his admission give that Oath, and likewise his Servants: And in case there be moe persons contained in the saids Bills of Suspension then one, that every such person, except the chief person, shall pay six shillings eight pennies, until they come the length of ten persons, and no allowance is to be granted to any exceeding that number, nor for a Community more then the said number of ten: And for Relaxationes, six shillings eight pennies for every person more then one, until they come to the number of ten persons, and no more to be taken for any greater number or Community, which dues shall be payed at the first in-giving of the Bill of Suspension, and shall be retained by the Clerk, whether the Bill be past or not, and no more to be given for that Bill, or for any new Bill which shall be given in, in that matter. And as for the allowance of Comprisings, that the rate thereof be fourty shillings sots, where the sums contained in the Comprisings (by and attour the Sheriss-see) do not exceed two thousand pounds scots; And if the sums comprised for be above two thousand pounds, that there be payed four pounds scots; and that this be in satisfaction of all that is to be given in that Office, both so that there be some pounds scots.

31. In respect several persons, being neither Advocats, nor Advocats Servants, do take upon them, under the name of Agents, to medle and negotiate in Processes, who are sound to be of no use, but burdensome to the Lieges; That hereaster all the Agents be debarred the House, and not permitted to negotiate, or mannage Processes; and recomends to the Lords of Session to see the same punctually observed.

32. That the Keepers of the General Registers of Hornings and Inhibitions, and of Seasings and Reversions; As also, the Keepers of these Registers in the several Shires, in time coming, be careful to book all Hornings, Inhibitions, Interdictions, Seafings, Reversions, and others registrat by them; And that they make exact Minute-books relating to these Registers, these of Hornings, Inhibitions, and Interdictions, containing the names, Sirnames and Defignations of the Parties, Principal and Cautioners; And these of Seasings, Reversions and others appointed by the Act of Parliament to be Registrat in that Regifter, containing the Names and Defignations of the Parties, and the common Defignation of the Lordship, Barrony or Tennendry of the several Lands mentioned in the Writ; And that the Clerk of Register, or any whom he shall appoint, every quarter of the year, compare the Minute-book with the general Registers, and subscribe the Minute-books at the collationing of the same; And in the several Shires, that the Sheriff, Bailiff of the Regality or Royality, or their Deputies (with whom, any two of the Justices of Peace to be nominate by the whole Meeting, are allowed to be present) be appointed quarterly, viz. upon the full Tuesdayes of February, May, August and November, to call for, and take inspection of, the hids Registers, and of the Minute-books relating thereto; and after collationing of the same, that they with melaids two Justices of Peace, if they be present, subscribe the Minute-book : Certifying the saids Sheriffs and failiffs, if they do not meet and compare the fails Registers at the several times above-specified, They all belyable in the penalty of One Hundred pounds Scots for ilk failzie; and Certifying the Clerks, if bey shall not have the Books in readinesse at the aforesaids times, or if any Hornings, Inhibitions Seafings,

Seafings, Reverfions, and others forefaids then in their hands, shall not be registrat in the Books, they shall incurr the pain of deprivation, and be lyable in payment of the parties damnage: And that the Clerks, keepers of the faids Registers; book all Hornings, Inhibitions, Interdictions, Seasings, Reversions, and others which now are in their hands, for the space of fourty years by-gone, and have exact Minutebooks relating thereto, in manner forefaid, within the space following, viz. The keepers of the general Registers betwixt and the first of June, 1674. and the Keepers of the particular Registers in the several Shires, betwixt and the first of June, 1673, And that all Hornings and Inhibitions, registrat in the Shires, be marked by the Keepers thereof, conform to the 21. Act of the Parliament, 1600, under the pains aforefaid; And that in the interim, betwixt the collationing of the Books, the Clerks shall be obligged to keep a private Minute-book for their own use, wherein they are to insert a Note of all Hornings, Inhibitions, Interdictions, Seafings and Reversions, as they are given in to be registrat: And in case any be omitted out of that Minute-book, they shall incur the pain of deprivation, and be lyable to pay the parties damnage, Whilk Minute-books respective foresaids, as well for the space of fourty years by-gone, as in time coming, the Clerk shall be obliged to make patent to all His Majesties Lieges, whensoever they shall define to see the same, upon payment of the dues following, viz. Thirty shillings Scots for inspection of the minute-book of the general Register of Seasings and Reversions, and twenty shillings Scots for that of the general Register of Inhibitions; and for that of the general Register of Hornings, twelve shillings Scots; And for inspection of the Minute-book of the particular Register of Seasings and Reversions in the several Shires, twelve shillings Scots; And for that of Hornings and Inhibitions, fix shillings and eight pennies Scots money. And it is hereby Declared, that the care of feeing the premisses done and performed, after

the expiring of this Commission, is committed to the Lords of Session.

33. As for Writers to the Signet, it is Ordained, that the rates of all Writs to be formed and written by them, be as followeth, viz. For Bonds, Assignations, Translations, Discharges, Tacks and other Writs of that nature, and likewayes for Summons and all Letters that pass the Signet, there be allowed only eighteen shillings Scots for the first sheet, and twelve shillings Scots for ilk an of the rest of the sheets; Excepting Suspensions and Advocations, for the first sheet whereof they shall have fourty shillings Scots, and two Merks Scots for ilk sheet more: And where Summons are blank in any part thereof, that the same be only payed for, according to the sheets which are written and filled up. And as for Contracts, Dispositions, and other securities of Lands, Annual-rents or other heretable Rights, Chartors, Signatoures, Precepts in Latine, and other Writs of that nature, and likewise for Comprisings and Services, there shall be only payed three pounds Scots for the first sheet thereof, and thirty shillings Scots for each of the rest of the sheets, the same being alwayes written, conform to a patern to be signed by the Lords of Session; And that no distinct payment be taken by the Writers, or their Servants, for Bills whereupon Summons or Letters are raised, or for claimes whereupon Services or Comprisings do proceed, or for Scrolls of any of the faids Writs; Which rates or prices aforefaid shall be in fatsfaction of all that is to be given, both to Master and Servants: And where Bonds, Asignations, Translations, Discharges, Contracts, Dispositions, and other securities aforesaid, are drawn or written by any persons who use to write for payment, not being Writers to the Signer, that there be payed to them only two parts of the rates allowed to Writers to the Signet, in manner foresaid. And that all Writers to the Signet, and others residing within the Town of Edinburgh, who use to write for payment, shall compear before the Lords of Session betwixt and the first of December next, and give their oaths that they shall observe the faid rates; and that these who reside in any other place of the Kingdom, shall betwixt and the faid day, take the foresaid Oath, in presence of the Sheriff of the Shire or his Depute, or other ordinar Magistrat of the place; or in case they dwell within a Burgh Royal, before the Magistrats of the Burgh; and the Writers to the Signet and other persons aforesaid, are hereby discharged to form or write Writs of any kind, after the said first of Decemb. next, unless they take the said Oath, under the pain of deprivation, and such other punishment as the Lords of Session, or the ordinary Magistrats of the place respective shall think fit to inflict. And it is hereby Declared, that it shall not be lawful to any person, to be Clerks to the deducing of Comprisings which are led by Dispensation within the Town of Edinburgh, or to Services led before the Macers, except they be Writers to the Signet.

II. Concerning the JUSTICE-COURT.

Seeing Causes Criminal are of the greatest importance, and may extend to the Lives and Liberties of any of His Majesties Subjects, and their persons and Fortunes: and seeing the punishment of Crimes is of the greatest consequence for the safety and security of his Majesties person and Authority, and the Peace and Quietnesse of the Kingdom; and therefore, matters Criminal ought to be determined in the most solemn, exact and regular way, that the Loyal and Innocent may be in full security, and Offenders may be punished either in the most publick places of the Kingdom, or in the places where the Crimes have been committed, to terrific others from the like: That whereas formerly assessed as selected to the Justice-General, in matters of importance, which being ambulatory, cannot be so convenient, as if all

the Members of that Court were fettled and chosen by His Majesty of fit persons, who might make it their

work to make a just and constant procedure in Matters Criminal.

1. For that effect, that the Office of Deputes in the Justice-Court be suppress'd, and that five of the Lords of Session be joyned to the Justice-General and Justice-Clerk, and all of them invested with the same and equal Power and Jurisdiction in all Criminal Causes; That the Justice-General being present prefide, and in his absence the Justice-Clerk, and in absence of both, that these present elect one of their number to prefide, four of the whole number being alwayes the Quorum of that Court, except at the Circuit-Courts.

2. That they be appointed to meet each Monday at nine of the clock in time of Seffion, and oftner if bufi-

nesse so require.

That the persons to pass upon Assizes be listed, and their Names and Designations insert in an Roll to be figned by the faid Judges or their Querum.

4. That for the splendour of that Court, all the Judges sit in red Robes faced with white, that of the Ju-

flice-Generals being lined with Ermine, for distinction from the rest.

5. That once a year, in the Moneth of April or May, Circuit Courts be keeped, two of their number appointed to go and keep Courts at Dumfries and Jedburgh, two at Stirling, Glasgow and Air, and other two at the Towns of Perth, Aberdeen and Innernesse; the Justice-General being alwayes super-numerary many of these Circuit-Courts.

6. That it be left and recommended to the Judges of that Court, to regulat the inferior Officers thereof,

and order every other thing concerning the faid Court.

7. That a convenient Room be appointed for their meetings, Benches for the Judges, a place for the Juflice-General, more eminent then the Seats of the other Judges; That the Advocats, Clerk, Affize and Pannels have distinct places appointed to them.

8. That the Clerk of the Court, nor no other person, be present with the Assize after they are

9. That the Chancellor of the Affize mark what way every individual person who is upon the Affize hall yote, whether condemning or affoilzeing, and that on the fame Paper wherein the Verdict of Affize is written; which after the pronouncing of the Verdict, is to be closed and sealed with the Seals of the Court, of the Chancellour of the Affize, and of so many moe of that number, as the Chancellor shall think fit, and never to be opened again, but by order of the Judges: With certification, if the Clerk who shall have the keeping of the faid Verdict, do make open the fame without warrand, he shall be deprived of his Office, and otherwayes punished as the Judges shall think fit.

to. That in all Criminal Purlutes, the Defender or his Advocats be alwayes the last speaker, except in

cases of Treason and Rebellion against the King.

11. That when any Criminal Libel or Summons of Exculpation are given and execute against any Party, that at the fame time, Lifts of the Witnesses to be adduced for proving of the faid Libel and Summons, and of the persons who are to pass upon the Inquest, be also given to them; to the effect, the Party may know what to object against the saids Witnesses and Assizers, and may take forth Diligences for summoning of Witnelles for proving of their objections, why any contained in the faids Lists should not be admitted to be a Witneffe, or upon the Affize.

III. Concerning the Exchequer.

Hat there be payed to the Keepers of the Thefaurer Register and his Servants, for registration of Signatures fourty shillings Scots for the first sheet, and twenty shillings Scots for each other sheet of the Signature given in; And that neither he nor his Servants take or exact more, upon any account, or for moe sheets then the Signature confisteth of, and that they give their Oaths to that effect.

2. That there be payed to the presenter of Signatures, for each Signature containing an Barrony, or Lands above that value, and which is to pass the Great Seal, six pounds Scots; And if it be of Lands under a Barrony, three pounds: And for all Signatures which are to pass the Privy Seal, only half a Crown. And

that he make Faith to observe these Rates.

That no Eques be made in the Exchequer, by the Vassals of His Majesties Property, for any Blensh or Few-duries which are under the fum of ten pounds Scots; But as to these, that Lists of the Vassals and of the Blenth and Few-duties payable by them, be subscribed by the Commissioners of His Majesties Thefaurary, and sent to the Sheriffs of the several Shires, who, or their Deputes, shall charge the Vassals for payment of these Duties, and shall be countable for them to the Exchequer; And that upon payment by the Vassals of their saids Few and Blench-duties, the Sherists or their Deputes shall be obligged to grant to them Discharges thereof, without any money or gratification to be given therefore, either to the Sheriff or his Servants, except a Merk Scots only.

That the present way of making the counts of Exchequer in Rolls, be altered, and that the same be made hereafter in Books of Parchment; That Eques be made yearly; And that for all the Lands contained

in one Chartor, belonging to one Heretor, there be made but one Aque.

AND

AND furder, His Majesty Recommends to the Commissioners aforesaid, that what by the shortnesse of time is not yet determined, as to the Commissary-courts, Sheriss-courts, Town-courts, and all other Cowrts and Judicatories of the Kingdom, may be done with all conveniency, conform to his Majesties Commission granted to them; and that they return their Judgements thereof to His Majesty, that He may give such order therein, as He shall think sit.

X V.II.

ACT against keepers of Conventicles, and with-drawers from Publick Worship.

Edinburgh, 4. of September, 1672.

Orasmuch as the Act past by His Majesty and Estates of Parliament, upon the 13. of August 1670. against Conventicles, and the other Act past in the same Parliament upon the 20. day of the faid moneth of August, 1670. against separation and with-drawing from the publick Meetings of Divine Worship, were appointed to endure only for the space of three years, unless His Majesty should think fit to continue them longer. And his Majesty considering, that these Acts have not hitherto received that obedience which was due unto them, and that the execution thereof hath not been so duely prosecute, as by the tennor of the same is prescribed, and that therefore, the continuance thereof will be necessary for some longer time; Doth, with advice and confent of his Estates of Parliament, Statute and Ordain, that the two Acts of Parliament above-mentioned, against Conventicles and with-drawing from publick Meetings of Divine Worthip, are and shall endure and continue Acts of Parliament and publick Laws of the Kingdom, for the space of three years, after the expiring of these three years above-mentioned, and longer as his Majesty shall be pleased to appoint. Likeas, His Majesty considering, that by the said Act against Conventicles, it is Statute, that no outred Minister, not licensed by His Majesties Council, nor other person not authorized nor tollerat by the Bishop of the Diocess, presume to preach, expound Scripture, or pray in any Meeting, except in their own houses, and to these of their own Family; And fince there may be some questions and doubts, concerning the meaning and extent of that word Pray, His Majesty doth, with advice foresaid, Declare, That it is not to be understood, as if thereby Prayer in Families were discharged, by the persons of the Family, and fuch as shall be present, not exceeding the number of four persons, besides these of the Family: It is alwayes Declared, that this Act doth not give allowance to any outted Minister to pray in any Families, except in the Paroches where they be allowed to preach. And furder, His Majesty with advice foresaid, doth hereby also Authorize the Magistrats of the Royal-burroughs, to call before them all such of their Burgesses, as shall be guilty of keeping Conventicles, and to proceed against them by fining and other wayes, as is at length exprest in the said Act; and that they make account and report of the fines to the Commissioners of His Majesties Thesaury, and of their diligence to His Majesties Council. And His Majesty considering the slow progress hath been made, in putting these Acts in execution for the time bygone, Doth therefore, with advice foresaid, Statute and Command, that all Sheriffs, Stewarts, Lords of Regalities and their Deputes, and Magistrats of Burroughs within their respective Jurisdictions, shall from henceforth be careful in putting these Acts to due execution, against keepers of Conventicles, and with-drawers from publick Worship, conform to the power and trust committed to them thereby; And that they return an account of their proceedings to His Majesties Council yearly, on the first Thursday of July, under the pain of five hundred Merks, to be payed by each Sheriff, Stewart, Bailiff and Magistrats of Burgh, for each years failzie, in not giving an account of their diligence as said is,

X VIII.

ACT for establishing Correction-houses for Idle Beggars and Vagabonds.

Edinburgh, 4. of September, 1672.

The Kings Majesty, considering the many good Laws and Statutes made by himself and his Royal Predecessors, for suppressing of Vagabonds, Beggars and Idle persons, who are a great burden and reproach to the Kingdom, and for the most part, live without all Law or Rule, Sacred or Civil; And that a numerous brood of such persons are dayly increasing, who if they were set to work, and bred to Trades & callings, the people might not only be disburdened of them, but they might, in a short time & upon far less expense, become useful and profitable for the whole Kingdom. And withall considering, that the effect of all these good Laws hath been frustrate, because there hath been no place provided wherein such poor people might be set to work, nor persons appointed to have the charge and oversight of them: For remeid whereof, his Majesty, with advice and consent of His Estates of Parliament, Statutes, and Ordains, that the Magistrats of the Burghs sollowing, betwixt and the term of Whitsunday next, 1673, provide Correction-houses for receiving and entertaining of the Beggars, Vagabonds and Idle persons within their Burghs, and such as shall be sentented.

them out of the Shires and Bounds after-specified; and that they appoint Masters and Overseers of the fame, who may fet these poor persons to work; viz. one Correction-house at the Burgh of Edinburgh, for these of the Town and Shire of Edinburgh; one at the Burgh of Haddingtoun, for those of the Shire of Haddingtoun, one at Dunse for the Shire of Berwick; one at Jedburgh, for the Shire of Roxburgh; one at the Burgh of Selkirk, for the Shire of Selkirk; one at the Burgh of Selkirk, for the Shire of Selkirk; one at the Burgh of Peebles, for the Shire of Peebles; one at Glasgow, for the Shire of Lanerk; one at the Burgh of Dumfreis, for the Shire of Dumfreis; one at the Burgh of Wigtoun, for the Shire of Wigtoun; one at the Burgh of Kirkcudbright, for the Stewartry of Kirkgudbright; one at the Burgh of Air, for the Shire of Air; one at the Burgh of Dumbartoun, for the Shire of Dumbartoun; one at the Burgh of Rothefay, for the Shire of Bute; one at Pailly, for the Shire of Renfrew; one at Sterling, for the Shires of Sterling and Clackmannan: one at Linlithgow, for the Shire of Linlingow; one at Culrofs, for these twelve Paroches in the Shire of Perth, belonging to the Presbytery of Dumblane; one at the Burgh of Perth, for the rest of the Shire of Perth; one at Montrose, for the Shire of Kincairden; one at the Burgh of Aberdeen, for the Shire thereof; one at Innernesse, for the Shires of Innernesse, Ross, and Cromarty; one at the Burgh of Elgin, for the Shires of Elgin and Nairn; one at Inverary, for the Shire of Argyl; four in the Shire of Fife, viz. one at St. Andrews, one at Coupar, one at Kirkaldy, and one at Dumfermling, for the four ordinary Divisions of that Shire; one at Dundee for the Shire of For far; one at the Burgh of Bamff, for the Shire of Bamff; one at the Burgh of Dornoch, for the Shire of Sutherland; one at the Week, for the Shire of Caithnesse; and one at the Burgh of Kirkwal, for the Shire of Orknay and Zetland; each of which Houses shall have a large Closs, sufficiently inclosed for keeping in the aid poor people, that they be not necessitat to be alwayes within doors, to the hurt or hazard of their health. And in case the Magistrats of the said Burghs, or any of them shall not provide and have in readinesse, the saids Correction-houses betwixt and the said term of Whitsunday next, they shall incur the pain and penalty of five hundred Merks Scots money, and that quarterly, untill the Correction-houses be prorided: Which penalties shall be payed to the Commissioners of Excise, in the respective Shires or Bounds from which the faids poor persons shall be sent, to the saids Correction-houses: And the saids Commissioners are hereby warranted to raise Letters of Horning, and use other execution at their instance, against the Magistrats of the saids Burghs for payment of the penalties that shall be incurred by them, in manner forefaid; which penalties shall be applyed by the saids Commissioners, for building or buying ofhouses to the effect foresaid: And in the mean time, untill the saids houses be provided, the Magistrats of the faid Burghs are required to dispose of these Beggars and poor People, who were either born within their respective Burghs, or have haunted therein the last three years, in some convenient places, so as they may not go begging on the Streets, or at houses within the Town. And for the better enabling of the faids Burghs, to bear the charges and expences of the faids Correction-houses, His Majesty, with consent of the faids Estates of Parliament, Statutes and Ordains, that the Contributions and Allowances for maintaining of the Poor, appointed by the fifteenth Act of the third Session of His Majesties first Parliament, Inituled, Act concerning Beggars and Vagabonds, be applyed for the use of the saids Correctionhouses, whereby they shall have two shillings Scots for ilk poor person per diem that shall be sent to them, and entertained and bred by them, for the first year; and twelve pennies Scots per diem, for the fpace of three years thereafter, during which they shall entertain and educat them, together with the profit arising from the labour and work of the saids poor persons, for seven years thereaster: Which Contributions are to be payed by the Paroches relieved of the said Poor, in manner contained in the said Act. And to the effect it may be known, what poor persons are to be sent to the said Correction-houses, and who are to be keeped and entertained by the Contributions at the Paroch-kirks for the Poor, the Ministers of ilk Paroch, with some of the Elders, and in case of Vacancy of the Kirks, three or moe of the Elders are hereby ordered to take up an exact List of all the poor persons within their Paroches, by Name and Sir-name, condescending upon their age and condition, if they be able or unable to work, by reafon of age, infirmity or difease, and where they were born, and in what Paroches they have most haunted during the last three years, preceeding the uptaking of these Lists; intimation being alwayes made to the whole Heretors of the Paroch to be present, and to see the Lists right taken up; and that the Heretors who, and the possessions of their Land, are to bear the burden of the maintainance of the poor persons of each Paroch, or any of them who shall meet with the saids Ministers and Elders, shall condescend upon such as through age and infirmity, are not able to work, and appoint them places wherein to abide, that they may be supplied by the Contributions at the Paroch-kirk: And if the same be not sufficient to entertain them, that they give them a Badge or Ticket to ask almes at the dwelling-houses of the Inhabitants of their own Paroch only, without the bounds whereof, they are not to beg; and that they do not at all refort to Kirks, Mercats, or any other places where there are meetings at Marriages, Baptismes, Burials, or upon any other publick occasion: And likewise, that such of the saids poor persons as are of age and ca-Pacity to work, be first offered to the Heretors or Inhabitants of each Paroch, that if they will accept any of them to become their Apprentices or Servants, they may receive them upon their obligement to enterrain and fet to work the faids poor persons, and to relieve the Paroch of them; For which cause, they shall have the benefit of their work untill they attain the age of thirty years, conform to the tenth Act of the twenty two Parliament of King James the fixth, and that the rest of the saids poor persons be sent to

the Correction-houses, for whose entertainment, the saids Heretors shall cause collect the saids Contribution ons, and appoint a quarters allowance to be fent along with them, with Cloathes upon them, to cover their nakednesse, and the said allowance to be payed quarterly thereaster, by way of advance. With power also to the saids Commissioners of Excise in each Shire, quarterly to take an account of the diligence of these of each Paroch in performing of the premisses: And in case of their neglect, to appoint other persons to make the faids Lifts, and Collectors to uplift the faids Allowances, and to bring them to Correction-houses. And the Sheriffs their Officers, and Mayers and Constables are hereby required to concur and be affishing to the carrying and delivering of the faids poor persons to the Correction-houses. And in case any Heretors shall find within their bounds, any other Vagabonds, Beggars or Idle persons, not being in service, nor having any visible way or stock to entertain themselves, who were not born, nor did haunt formerly within their bounds; they are hereby impowered to feize upon fuch perfons, and to fend them to the Correction-houses; and to charge the Magistrats or Masters of the saids houses to receive them, without advance of any allow. ance: With power notwithstanding to the saids Magistrates or Masters, to charge the Heretors of the Paroches where these idle persons were born, or have most haunted the last three years, for the allowance of such of them as are not bred to work; And as to such of them as can work, the Masters shall have the benefit of their work for their meat. And His Majesty, with advice foresaid, doth impower and require the Masters of the Correction-houses to put and hold the saids poor people to work, as they shall see them most capable and fit; And in case of their disobedience, to use all manner of severity and correction, by wheeping or otherwayes, (excepting torture), and to detaine them within the faid Correction-house and Closs thereof; with this provision, that in case any of the saids poor persons being received, shall be suffered to escape to burthen the Countrey of new, that the Magistrats shall be charged to recover and receive them again, without any allow. ance thereafter, during the faid space of four years, under the pain of fourty pounds Scots for each person so escaping: With power also to them, to receive disobedient servants, and to put them to work, and to correct them according to their demerits. Likeas His Majesty, with advice foresaid, Ordains Letters of Horning and other execution to pass hereupon, at the instance of these who shall send the poor in manner foresaid against the Magistrats of Burghs for receiving the poor sent to them, with the quarters allowance foresaid: And likewife, Letters of Horning to be direct at the instance of the Masters of the saids Correction-houses, against these lyable in payment of the said allowance for the poor, conform to the said Act of Parliament, and that quarterly in manner foresaid; and at the instance of the Collectors, to be named by the Heretors of Commissioners of Excise, against the Heretors and Inhabitants of the saids Paroches, conform to the said Act of Parliament. It is alwayes hereby provided, that it shall be lawful to Coal-masters, Salt-masters, and others who have Manufactories in this Kingdom, to feife upon any Vagabonds or Beggars, where ever they can find them, and to put them to work in their Coal heughs or other Manufactories, who are to have the same power of correcting them, and the benefit of their work, as the Masters of the Correction houses. And furder, His Majesty, with advice foresaid, recommends and commits the execution of this present Act to His Privy Council, with power to them to appoint all means and wayes for making the same effectual; To whom the Commissioners of excise in the several Shires, are hereby Required to return an account of their diligence in the premisses, by some of their number the second Council day in November, and the fecond Council day in June yearly. under the pain of Fourty pounds Scots for every Commissioner of Excise, who shall be deficient in doing his part of the premisses.

XIX.

CT Concerning Adjudications.

Edinburgh, 6. of September, 1672.

He Kings Majesty, considering how far Comprisings have deborded from the first design of the Legislators, who did never intend that opulent and great Estate should be carryed away for inconsiderable sums, nor that Messengers or ignorant persons should be Judges in matters of so great importance; And considering the great prejudice ensuing to Trade & Commerce, by the length of the legal Reversion formerly granted, the Creditor not being able to command his money, and both Debitor and Creditor neglecting to use any policy & improvement of the Lands during the running of the the legal Reversion; And that after expiring thereof, Comprisings have become the soundation of much fraud; the right thereof being sometimes acquired by the appearand Heirs of the Debitor, who thereby secluded the lawful Creditors: And that by the ignorance of Nottars and Messengers, and many unnecessar solutions, of times Nullities have happened in Comprisings, and the same have alwayes been most expensive by heaping of penalties and Sherist-ses. And His Majesty, being desirous to secure equally the interest of Debitors and Creditors, Doth, with advice and consent of His Estates of Parliament, Statute and Ordain, that in place of Comprisings, the Lords of Session, upon Processes raised before them at the instance of any Creditor against his Debitor, Principal or Cautioner, shall Adjudge and Decern to the Creditor in satisfaction of his Debt,

as the same shall be decerned by the saids Lords, such a part of the Debitors Estate, consisting in Lands and other Rights which were in use to be apprifed, as shall be worth the sum principal and Annual-rent then restand to the Creditor, and a fift part more, in respect the Creditor wants the use of his money, and is necessitat to take Land for the fame, befides and attour the composition to the Superior, and expences of the Insettment; Which Adjudication shall be made, according to the several rates of the Lands and other Rights in the places where the same do ly; And for that effect, Probation shall be taken by the saids Lords for the part of the Crediror, and likewise for the part of the Debitor (if he shall defire the same) concerning the yearly Rent and value of the faids Lands and Rights, and what they have payed for five years by-gone, and what the fame may pay, and the rates and prices at which fuch Lands and Rights are usually fold in these places of the Kingdom where they ly; With Power to the faids Lords to determine what warrandice the Debitor shall be lyable in to the Creditor, of the Lands and Rights fo adjudged as they shall find just: Upon which Decreet of Adjudication, it shall be lawful to the Creditor immediatly to enter to the possession of the Lands or other Rights adjudged to him, and to intromet with the Mails and Duties thereof, in satisfaction of his Annual-rent during the not redemption, without being lyable to any restriction or action of Count and Reckoning. And in case there beadjudged Lands affected with Life-rents, or any Casuality or other Right not yeilding Rent during the mining of the Legal after-specified, the same shall be express in the said Decreet, together with that part of the fum effeirand thereto; That in case of redemption, the Creditor may have his Annual-rent for that part of his fum, for which he had no profit in manner forefaid: Which Lands and other Rights adjudged as faid is, shall remain heretably and irredeemably with the Creditor, in case they be not redeemed within the space of five years after the Decreet of Adjudication, by payment or confignation of the sums principal and Annual-rent, for which the Adjudication did proceed, the Composition payed to the Superior, and expences in obtaining Infestment and Annual-rent of the same, in so far as is not satisfied by the Creditors pos-fession in manner foresaid: And the Creditor being once in peaceable possession of the saids Lands or Rights, conform to the Decreet of Adjudication, it shall not be lawful for him to use any further execution against his Debitor, except in the case of eviction upon the warrandice to be decerned by the saids Lords; But it shall be leifum to the Creditor, to use all manner of execution against his Debitor Principal or Cautioner, by Horning, Caption, Arreastment or otherwise, untill he enter to the actual possession of the Lands to be Adjudged in manner forefaid. And it is hereby Statute and Ordained, that no Comprisings shall be led in time coming, of any Lands or other Rights, which are not already comprised; But prejudice alwayes of any apprisings led before the date of this Act, or to be deduced of Lands or other Rights already apprised, whereof the Legal isnot expired, which are to have course conforme to the Laws and Acts formerly made thereanent: It is alwayes hereby Provided and Declared, that in case the Debitor shall abstract the Writs and Evidents of the Lands and other Rights to be adjudged, and shall not produce a sufficient Right thereof, and deliver the same, or Transumpts thereof to the Creditor as the Lords shall Judge necessary; and in case he shall not renounce the possession of the Lands and other Rights to be adjudged, and ratisfie the Decreet of Adjudication, to the effect the Creditor may enter thereto fummarly, without any impediment, fo that the Creditor may have a dear right and quiet possession: Then and in that case, it shall be leisom to the Creditor to adjudge all or any Right belonging to his Debitor, in the fame manner as he might have apprifed the fame, conform to the Act of Parliament, 1661. anent the payment of Debts betwixts Debitor and Creditor, in all points, under the Reversion, and with the power competent to other Creditors express in the said Act. And it is hereby Declared, that neither the Superior, nor the Adjudger shall be prejudged by this Act, but that they shall be in the same case after citation in this Process of Adjudication, as if Apprising were led of the Lands at that time, and a Charge given to the Superior thereupon: Whilk Decreets of Adjudication above-mentioned shall be allowed by the Lords of Session, as Apprilings now are; And the allowance shall be registrat in the same manner, and under the same certification, with the allowances of Comprisings; To the effect, the same may be known, and that Creditors may not be disappointed by Adjudging Lands already adjudged to others.

XX.

ACT for imploying Vacand Stipends for the Universities.

Edinburgh, 10. of September, 1672.

The Kings Majesty, considering the present condition of several Universities and Colledges within this Kingdom, and the mean and incompetent provision of the Masters and Professors thereof; and being desirous to give all due encouragement to these Seminaries, that thereby able and fit persons may be invited to accept of Functions within the same; Doth therefore, with advice & consent of his Estates of Parliament, Statute & Ordain, that the Stipends and Benefices of Kirks that shall happen to Vaik for the space of seven years, This present year, one thousand, six hundred, and seventy two, being the first of the seven, and so forth to continue until the expiring of the seven years, shall be imployed for the use of the Universities

and Colledges in manner after-specified, viz. The Vacancies within the Diocesses of St. Andrews, Dumblain, Dunkeld, Brichin and Orknay, for the Universities of St. Andrews, and the Vacancies within the Diocess of Edinburgh, for the Colledge of Edinburgh; and the Vacancies within the Diocesses of Aberdeen, Murray, Ross and Caithness, for the Universities of Aberdeen; and the Vacancies within the Diocesses of Glasgow, Galloway and the Isles as follows, viz. The Vacancies of the Diocess of Glasgow for this present year, one thousand, six hundred, and seventy two, to be employed, the one half for the University of St. Andrews, and the other half for the University of Glasgow; and the Vacancies of that Diocels for the six years ensuing, with the Vacancies of the said two Diocesses of Galloway and the Isles for the whole seven years above-mentioned, to be employed for the University of Glasgow. And that this supply may prove the more effectual, The several Universities and Colledges are hereby warranted to name Collectors (for whose diligence and faithfulnesse, they are to receive sufficient Caution before they receive their Commissions) to uplift the Vacand Stipends which are or shall become Vacand during the seven years abovementioned, within the respective Diocesses hereby allotted to them; The Collector to be appointed by the Colledge of Glasgow, to uplift the Vacancies of the Diocess of Glasgow, alwayes finding sufficient Caution at the fight of the University of St. Andrews, to make payment to that University and to the University of Glasgow, equally betwixt them, of the Vacancies which he shall receive within the said Diocess of Glasgow for this present year, one thousand, fix hundred, & seventy two; And his Majesty, with advice foresaid, Ordains Letters of Horning, and all other execution necessary, to pass at the instance of the saids Collectors, for the more fpeedy railing & inbringing of the Vacancies aforesaid: which Vacancies are to be disposed of & imployed for the use of the respective Universities and Colledges yearly, by the Visitors to be appointed by his Majesty for the respective Universities and Colledges under the Great Seal. It is alwayes hereby Declared, that the Vacancies shall be burdened with the up-holding of the Manses of these Paroches, out of which the Vacancies shall be raised, in the same manner as they were formerly upon removal of the Incumbent, conform to the Act of Parliament made thereanent: and as to the Vacancies of the Diocess of Argyl, they are to be imployed for maintenance of Bussars, as is appointed by former Acts of Parliament: And His Majesty, with advice foresaid, Declares the former Act past in the third Session of His Majesties first Parliament, Entituled, Act for additional Provision in favours of Universities, to be void and null to all the intents therein contained.

XXI.

ACT concerning the Priviledges of the Office of Lyon King at Armes.

Edinburgh, 10. of September, 1672.

UR Soveraign Lord, confidering, that albeit by the 125. Act of the 12. Parliament, holden by His Majesties Grand-sather in the year, 1592, the usurpation of Armes by any of His Majesties Leidges, without the Authority of the Lyon King of Armes, is expressly discharged; And that in order thereto, power and Commission is granted to the Lyon King of Armes, or his Deputies to visit the whole Armes of Noble-men, Barons and Gentle-men, and to matriculate the same in their Registers, and to fine in one hundred to the Lyon King of Armes of Noble-men, and to fine in one hundred to the same in their Registers. dred pounds, all others who thall unjustly usurp Armes; As also to escheat all such Goods and Gear, as shall have unwarrantable Armes ingraven on them. Yet, amongst the many irregularities of these late times, very many have affurned to themselves Armes, who should bear none, and many of these who may in Law bear, have affumed to themselves the Armes of their Chief, without distinctions, or Armes which were not carried by them or their Predecessors. Therefore, His Majesty, with advice and consent of His Estates of Parliament, Ratifies and Approves the forefaid Act of Parliament; And for the more vigorous profecution thereof, doth hereby Statute and Ordain, that letters of publication of this present Act be direct to be execute at the Mercat-crofs of the head Burghs of the Shires, Stewartries, Bailieries of Royalty and Regality, and Royal Burroughs, charging all and fundry Prelats, Noble-men, Barons and Gentle-men, who make use of any Arms or Signs Armorial, within the space of one year after the said publication to bring or send an account of what Arms, or Signs armorial they are accustomed to use, and whither they be Descendants of any Family, the Arms of which Family they bear, and of what Brother of the Family they are descended; With Testificats from persons of Honour, Noble-men or Gentle-men of quality, anent the verity of their having and using those Arms, and of their descent as aforesaid, to be delivered either to the Clerk of the Jurisdiction where the persons dwels, or to the Lyon Clerk, at his Office in Edinburgh, at the option of the party, upon their Receipts gratis, without paying any thing therefore; Which Receipt shall be a sufficient exoneration to them, from being obligged to produce again, to the effect, that the Lyon King of Arms may distinguish the saids Arms, with congruant Differences, and may matriculate the same in his Books and Registers, and may give Arms to vertuous and well deserving persons, and Extracts of all Arms, expressing the blasoning of the Arms under his hand and Seal of Office; For which shall be payed to the Lyon, the sum of twenty merks, by every Prelat & Noble-man, and ten merks be every Knight and Baron, and sive merks by every other person bearing Arms, and no more: And His Majesty

Majesty hereby dispenses, with any penalties that may arise be this or any preceeding Act for bearing Armes, before the Proclamation to be iffued hereupon. And it is Statute and Ordained, with confent forefaid, that the faid Register shall be respected as the true and un-repealable rule of all Armes and Bearin Scotland, to remain with the Lyons Office as a publick Register of the Kingdom, and to be transmitted to his Successors in all time coming: And that whosoever shall use any other Armes any manner of way, after the expiring of year and day from the date of the Proclamation to be iffued hereupon, in manner foresaid, shall pay one hundred pounds money, toties quoties, to the Lyon, and shall like-wayes escheat to His Majesty, all the moveable Goods and Gear upon which the saids Armes are engraven, or otherwise represented. And His Majesty, with consent foresaids Declares, that it is only allowed for Noblemen and Bishops to subscribe by their Titles; And that all others shall subscribe their Christned Names, or the initial letter thereof with their Sirnames, and may, if they please adich the Designations of their Lands, prefixing the word OF to the saids Designations. Lyon King at Armes and his Brethren, are required to be carefull of informing themselves of the contraveeners hereof, and that they acquaint His Majesties Council therewith, who are hereby impowered to punish them as persons disobedient to, and contraveeners of the Law. It is likewayes pereby Declared, that the Lyon and his Brethren Heraulds are Judges in all fuch causes, concerning the Malversation of Messengers in their office, and are to enjoy all other priviledges belonging to their Office, which are secured to them by the Laws of this Kingdom, and according to former practice.

XXII.

ACT against Profanenesse.

29 511

Edinburgh, 11. of September, 1672.

OUR Soveraign Lord, confidering the many and great violations of the Law of GOD, and of the Law's of this Kingdom, established by His Majesty and his Royal Predecessors, against cursing, swearing, drunkennesse, fornication and uncleannesse, profanation of the Lords-day, mocking or reproaching of Religion and the excercises thereof; Which are prohibit by several Acts of Parliament, under diverse pecunial mulcs and penalties; and especially by the twenty Act of the twenty two Parliament of King James the fixth, entituled, Act anent the punishment of Drunkards; And by the eighteenth Act of the first Session of His Majesties first Parliament, entituled, Act for the due observation of the Sabbathday; And the nineteenth Acthereof entituled, Act against swearing and excessive drinking; And by the thirty eight Act of that same Session of Parliament, containing instructions to the Justices of Peace: Doth, with advice of His Estates of Parliament, Statute and Ordain, that the several pains and fines appointed by the said Acts, be inslicted on, and exacted off the respective transgressors; And for that effect, it is hereby Statute and Ordained, that befides the excercife of Church-discipline, according to the Laws and practice used in this Church, in every Paroch within Royal Burgh, or wherein any of His Majesties Privy Council or Lords of Seffion, Sheriff, Lord, or Bailiff of Regality or their Deputes, or Commissaries, have their residence or keep Courts, that the faids Councellors or Lords of Session, Magistrats of such Burghs, the Sheriffs and the Lords and Bailiffs of Regalities or their Deputes, the Commissaries or any Justice of Peace, They or any one or more of them, execute or cause execute the saids Laws, against such delinquents in the several Paroches where they reside, as shall be dilated to them by the Kirk-Sessions, or other Church-Judicatories. Providing alwayes, Likeas it is hereby provided, that the Minister and Kirk-Session, with the Heretors of each Paroch, or such of them as upon publick intimation by the Minister from the Pulpit, upon eight dayes warning, shall meet with the Minister, and his assistants in discipline, have the nomination of a Collector, who is to receive and count for the fines fo imposed; Excepting to the Royal-Burghs the nomination of their Collectors, who have been accustomed so to nominat, they alwayes being accountable as other Collectors, for the uses after-specified: And where there be any Paroches, in which there is none of the saids above named persons in Authority resident, the Minister and Kirk-Session and Heretors of the Paroch, or Major part of them, who shall conveen upon publick intimation by the Minister upon tight dayes warning, shall nominat so often as they see cause, a person resident within the Paroch, whom they find most fit for executing of the saids Statutes, and shall under their hand, offer the person so chosen to the Sheriffs, Lords and Bailiffs of Regalities, Stewarts, Commissaries, having the ordinary Jurisdiction of that place, who are hereby authorized to give Commission and Deputation to the persons so chosen for conveening the persons transgressors of the foresaid Statutes, and to judge in them according to Law: And it is hereby Declared, that all execution shall pass upon the Decreets and Sentences of the faids Judges and Commissioners, as do or may pass upon the Decreets or Sentences of Sheriffs, Bailiffs of Royalty or Regality, for executing of the saids Statutes, conform to the tennor thereof in all points. With Power to the said Minister, Kirk-Session and Heretors of each Paroch conveened in manner foresaid, to modifie and appoint such part and portion of the sums arising by the said Decreets, to the Collectors

Collectors nominat by them for their fervices, as they shall find just, according to their pains and diligence. And it is hereby Declared, that the remainder of the saids sums shall belong to, and be made use of, for the poor of each Paroch respective, in manner following, viz. The one half thereoffer the use of the poor of each Paroch to be sent to the Correction houses, for being bred to lawful Trades, conform to an Act of Parliament, made in this Session of Parliament; And for which, the Collector shall be countable to the Heretors of each Paroch, and shall deliver to them Receipts from the Masters of the Correction-houses of the one half of the saids sums, toward the allowance of the said poor people, appointed to be payed out of each Paroch by the said Act: and the other half of the saids sines shall belong to the poor of each Paroch respective, who by the said Act, by reason of their age or infirmity, are appointed to be entertained within each Paroch by the Contributions at the Paroch-Kirk, and for which the saids Collectors are to be countable to the Minister and Kirk-Session of each Paroch, or to the Elders during the Vacancy; and to be applyed be them for the use of the poor, as they shall see cause.

XXIII.

ACT Salvo jure cujuslibet.

Edinburgh, 11. of September, 1672.

OUR Soveraign Lord taking to confideration, that there be many Acts of Ratifications and others, past and made in this Session of Parliament, in favours of particular persons, without calling or hearing of such as may be thereby concerned and prejudged: Therefore, His Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That all such particular Acts and Acts of Ratification pastin manner foresaid, shall not prejudge any third party of their lawful Rights, nor of their Actions and Desences competent thereupon, before the making of the said particular Acts and Acts of Ratifications; And that the Lords of Session and all other Judges within this Kingdom, shall be obligged to judge betwixt Parties, according to their several Rights standing in their persons before the making of the saids Acts: All which are hereby exponed, and Declared to have been made, Salvo jure cujusibet.

XXIV.

ACT of Adjournment.

Edinburgh, 11. of September, 1672.

THE King's Majesty Declares this Parliament current, and Adjourns the same to the second Wednesday of June next to come; Ordaining all the Members of Parliament to attend that day, And that there be no new Election of Commissioners from Shires or Burroughs, except upon the death of some of the present Commissioners.

FOINIS.

LIS

Of the LAWS and publick ACTS, past in the Parliament holden at Edinburgh, in the Year, 1672.

- CT for settling of the Militia. Act concerning Pupils and Minors, and their Tutors and Curators.
- 3. Act discharging the importation of Irish Victual.
- Act for raising a Supply to His Majesty, of 864000. I.

 5. Act concerning the Priviledges of Burghs-Royal.

 6. Act discharging second Summonds, &c.

- 7. Act concerning the Writs passing the Great and Privy Seals. 8. Act concerning the Arreastments used within Burghs.
- 9. Act against unlawful Ordinations, &c.
- 10. Att concerning Apparel.
 11. Att against such as do not Baptize their Children.
- 12. Act for an Anniversary Thanksgiving.
 13. Act concerning the Ann, due to the Executors of Bishops and Ministers.
- 14. Att for retouring of Taxt-Marriages.
 15. Commission for plantation of Kirks, and valuation of Teinds.
- 16. Att concerning the regulation of the Judicatories.
 17. Att against keepers of Conventicles, and with-drawers from Publick Worship.
- 18. Att for establishing Correction-houses for Idle Beggars and Vagabonds.
 19. Att concerning Adjudications.

- 20. Act for employing Vacand Stipends for the Universities.
 21. Act concerning the Priviledges of the Office of Lyon King at Armes.
 22. Act against Prophanenesse.
 23. Act Salvo jure cujuslibet.

- 14. Act of Adjournment.

LIS

Of the ACTS and RATIFICATIONS past in the third Session of His Majesties second Parliament, holden in the Year, 1672. and which are not printed.

rotestations by some Noblemen, for their ranking in the Rolls of Parliament. His Majesties Letter to the Parliament, with the Parliaments Answer.

Warrand for some new Fairs and Markets.

Act concerning Mr. William Moor. Acts concerning the Burghs of Cromarty. Kilrenyand Enstruther.

Act and Ratification in favours of the Colledge of Glafgow.

Warrand for a Birth-brieff to Sir Gabriel Wood.

Act annexing the Duke of Buckcleuchs Lands in Dumfreis to the Shire of Roxburgh.

Act suspending publick Debts, and Protection to William Dick.

Decreet the Lady Forrester and her Son against the Countess of Bramford.
Ratification of the Earl of Dundonnalds Mortification to the Colledge of Glasgow.

Act for repairing the Kirks of Burrowstowness, Blair, and Elie.

Imposition for the building and repairing of three Bridges.

Protestation by the Lord Thesaurer Depute.

Act against Members of Parliament who did not attend. Remit in tayours of the Earls of Cassils and Lothian, &c.

Remit and Recommendation of some Petitions to the Council.

Ratification in favours of the Earl of Rothes, Lord Chancellor,

Ratification in favours of the Duke of Buckcleuch.

Ratification in favours of the Earl of Athor

Protestation by the Laird of Strowan against it.

Ratification in favours of Sir John Wachop of Niddrie. Ratification in favours of Mr. Alexander Balnaves.

Ratification in favours of Sir William Scot of Harden.

Ratification in favours of the Duke of Lennox.

Ratification in favours of the Duke and Dutchess of Hamiltonn.

Ratification in favours of the Arch-Bishop of St. Andrews.

Protestation by the Bishop of Edinburgh against it.

Protestation by the Arch-Bishop of St. Andrews to the contrar,

Ratification in favours of the Marquels of Montrofe.

Ratification in favours of the Earl of Glencarn.

Ratification in favours of the Earl of Cassils.

Ratification in favours of the Earl of Kellie.

Ratification in favours of the Earl of Kilmarnock.

Ratification in favours of the Lord Thefaurer-Depute.

Ratification in favours of the Lyon, King at Arms, and his Son-

Ratification in favours of Sir Andrew Ker of Cavers.

Ratification in favours of James Hamiltoun.
Ratification in favours of William Bruce of Newtown.

Ratification in favours of Adam Vrqubart of Meldrum.

Ratification in favours of Mr. George Gibson. Ratification in favours of Mr. John Bayne. Ratification in favours of Mr. Thomas Murray.

Ratification in favours of Major Hew Buntein of Kilbryd.

Ratification in favours of John Rutherfurd of Edgarstoun.

Two Ratifications in favours of Sir Andrew Ramfay of Abbot f-hal.

Ratification in favours of Mr. Robert Rofs.

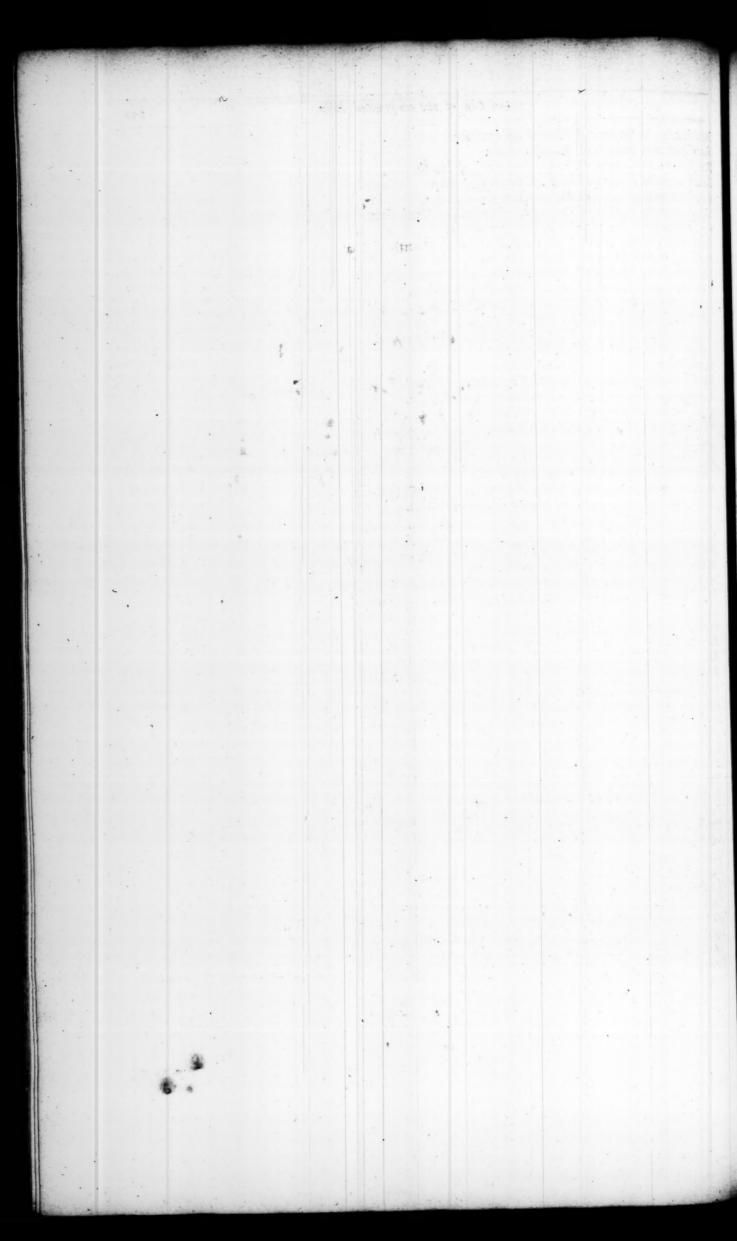
Ratification in favours of Mr. William Barclay.

Ratification in favours of Andrew Fletcher of Saltoun.
Ratification in favours of Sir Thomas Stewart of Gairntullie.

Ratification in favours of John Blair of Drumskey. Ratification in favours of Sir John Ayton of thatilk.

Ratification in fayours of Mr. William Eccles.

Ratification in favours of Thomas Kirkpatrick. Ratification in favours of John Johnstown.
Ratification in favours of James Menzeis of Enoth.
Ratification in favours of John Maitland of Eccles.
Ratification in favours of Robert Greinson of Lag.
Ratification in favours of Sir James Mackgill of Rankellore. Ratification in favours of Sil James Criticks of Ratification in favours of John Boyl of Kelburn.
Ratification in favours of James Birsben of Bishoptoun.
Ratification in favours of John Cunningham of Enterkin.
Ratification in favours of Archibald Stewart of Blackhall.
Ratification in favours of David Boswall of Achinleck. Ratification in favours of William Blair of that ilk. Ratification in favours of Sir Patrick Maxwell of Newark. Ratification in favours of Sir William Graham of Gartmore. Ratification in favours of Mr. Roger Hog. Ratification in favours of David Kinneir of that ilk.
Ratification in favours of Patrick Threipland of Fingask. Ratification in favours of Patrick Maxwell of Teilling. Ratification in favours of Sir David Carnegie of Pittarro. Two Ratifications in favours of Sir William Bruce of Bakaskie. Ratification in favours of William Menzeis of Pitfoddel. Ratification in favours of Alexander Cochrane of Barbachlaw. Ratification in favours of Peter Hay of Nauchton.
Ratification in favours of Andrew Anderson His Majesties Printer. Ratification in favours of Alexander Vaney of that ilk.
Ratification in favours of John Schaw of Sornbeg.
Ratification in favours of William Maxwell of Jacktoun.
Ratification in favours of William Murray of Stanhop. Ratification in favours of John Walker.
Ratification in favours of James Hamiltoun in Edinburgh.
Ratification in favours of James Maule of Melgum. Ratification in favours of Alexander Watson Provost of Dundee. Ratification in favours of the City of Edinburgh. Ratification in favours of Alexander Hamiltoun of Dalyel. Ratification in favours of the Chirurgians in Glasgow. Ratification in favours of Sir James Baird of Achmedden. Ratification of a Gildrie in Glafgow. Ratification in favours of Sir James Johnstoun of Wester-hall. Ratification in favours of Mr. Andrew Burnet of Warristown, Ratification in favours of the Earl of Panmure. Ratification in favours of Hew Paterson. Two Ratifications in favours of the University of St. Andrews. Ratification in favours of the Earl of Argyl. Ratification in favours of the Earl of Kinghorn. Protestation by the Earl of Southesk and Town of Forfar against it. Ratification in favours of Sir John Toung of Leny.
Ratification in favours of Arthur Tempil of Ravelrig. Ratification in favours of John Cheislie of Gorgie. Ratification in favours of Sir Hew Campbell of Calder. Ratification in favours of William Lindsay of Belstane. Ratification in favours of Sir James Fowlis of Colingtous. Ratification in favours of John Leslie of Aqubrosk. Ratification in favours of James Somervel of Drum. Two Ratifications in favours of Mr. David Watson. Protestation by the Wrights of the Canogate against one of them.



THE

LAWS AND ACTS

Past in the Fourth and last

S E S S I O N
Of the SECOND

R LIAMENT.

Of Our Most High and Dread Soveraign,

CHARLES THESECOND

By the Grace of GOD, King of Scotland, England, France and Ireland,
Defender of the Faith.

Holden by his Grace, John Duke of Lauderdale, Marquess of March, Earl of Lauderdall,

Viscount Maitland, Lord Thirlestane, Musselburgh and Bolton, &c.

His MAJESTIES Commissioner, &c.

This Session continued from the 12. of Novemb. 1673. to the 2. of Decemb. thereafter; and then being by His Majesties Authority several times Adjourned:

The Parliament was by His Majesties Royal Proclamation the 19. of May, 1674. Dissolved.

A C T concerning the Pre-emption and Excise of Salt.

At Edinburgh, the 25. of November, 1673.



P

HE King's most Excellent Majesty, having, from the constant affection and care, which He hath alwayes had of the concerns of this His Ancient Kingdom, Resolved further to gratise His good Subjects, by such Grants and publick Laws as he shall judge to conduce most for their good and advantage: And understanding by the prosecution and management of the Pre-emption of Salt within this Kingdom; that the same hath been occasion of trouble and burden to His Subjects, His Majesty doth therefore Annull and Discharge the said Pre-emption, and all Pre-emptions of Salt in time coming, and Declares the same, and all Acts, Commissions, or other warrands whatsomever authorizing it, to be, from and after the first day of December, this present year, one thousand, six hundred, and seventy three, vacated, void and null. And in order thereunto, His Majesty, with advice and

consent of His Estates of Parliament, Doth hereby rescind and Annull, all and sundry the Contracts, which in prosecution of this Pre-emption, were entred into by the Salt-masters, and these persons who, by warrand of the Commissioners of His Majesties Thesaurie, contracted with them for the sale of their Salt. And declares the saids Contracts and every of them to be void and null, after the said first of December next to come: It is alwayes hereby declared, that these

V a

Contracts

Contracts are to stand good to all intents and purposes therein contained, for all the Salt that is or shall be made before the said first day of *December*. Likeas the Kings Majesty, for the encouragement of the Manufacture of Salt, and for the further ease of His good Subjects, Doth hereby declare, all Salt made or to be made within this Kingdom, to be henceforth free from payment of Excise. And surther, His Majesty, with advice foresaid, allowes the Importation of forraign Salt; And Statutes and Ordains, that ilk Boll of forraign Salt of *Linlithgow* measure, shall pay fourty shillings *Scots* of Excise, whether the Salt be imployed on Fishes or not; and that security shall be given at the entry of the Salt, that this Excise duty shall be compleatly payed within year and day after the Importation thereof: And in consideration of the Exemption which the forraign Salt employed on Fishes had from Excise formerly; His Majesty Declares, That all exported Fishes, whither

Herring, Salmond, or others, shall be in time coming free from the payment of Custom.

Likeas, His Majesty, with advice foresaid, doth Inhibit and Discharge the Collectors and Farmers of Excise, upon any pretext, to give any ease or abatement of the said sourty shillings of Excise imposed upon ilk boll of forraign Salt, under the pain of deprivation, if they be Collectors, and the loss of the Benefit of their Tack of the Excise, if they be Farmers; and of such surther punishment as the Lords of Exchequer shall think fit to inflict. And to the end it may be known, what quantities of Forraign Salt are truely entered, His Majesty, with advice foresaid, Ordains the several Collectors of Excise, from time to time, to make patent to any of the Owners of Salt, or these having their Warrand, their Books, in so far as concerns the entry of forraign Salt: And if the Salt-Owners, or their Factors, shall find any quantity concealed or imbezl'd, or that there is abatement given of the duty, they are hereby warranted to pursue the transgressors before the Lords of Exchequer: And shall have for their own use, the equal half of the seisure-concealment, or abatement respective, which shall be so discovered by them. And his Majesty doth, with advice foresaid, Rescind and Annul any former Acts of Parliament, or clauses therein, relating to the Excise of Salt, which are inconsistent with, and prejudicial unto, the intent of this Act: And Declares, that so long as the Excise continues, this shall be the constant rule for regulating the Excise of Salt, and the Custom thereof to continue as it is in the Book of Rates.

A C T Concerning the Importation and Exist of

BRANDY.

At EDINBURGH, the 1. of December, 1673.

The King's Majesty, having, upon good consideration, thought fit to allow the Importation of Brandy, and Mum or Bremer-beer within this Kingdom; Doth therefore with advice and consent of His Estates of Parliament, Rescind and Annul all Acts of Parliament and Privy Councill, Proclamations and other Warrands prohibiting the same. Likeas, His Majesty, with advice foresaid, Appoints every Tun of Imported Brandy to be lyable in payment of sourscore pounds Scots for Custom, without any defalcation, and ilk Scots pint of the same Brandy to be liable in the payment of six shillings Scots for Excise: And every barrell of the aforesaid Mum, not exceeding twelve gallons to be lyable in thretty shillings Scots of Custome, and alsmuch for excise, which Excise of Brandy and Mum; is to be raised in the severall Shires and Burghs, where the same shall be retailed, by tapping and selling in smalls, and employed for the proportional relief of the annuity of Excise payable by the saids Shires and Burghs, and this Custome and Excise to be litted and payed conform to the Laws and Acts, made concerning Custome and Excise respective.

A C T Concerning

APPARE L.

At EDINBURGH, the 2. of December, 1673.

THE King's Majesty, cousidering that some difficulties have occurred, concerning some expressions and qualifications mentioned in the Act made in the last Session of Parliament, concerning Apparel, and that the Manusacture of whyt Lace or Pearling made of threed (whereby many poor people gain'd their lively-hood) was thereby much prejudged and impaired: For the clearing and remeed whereof; in time coming, His Majesty hath thought fit, with advice and consent of His Estates of Parliament, to Rescind, Discharge and Annul that part of the afore-mentioned Act for Apparel, concerning the allowance granted to

the persons thereby priviledged, to wear Velver, Satins, and other Silk Stuffs, &c. And Declares, that now and in time coming, it shall be free to all and every person within this Kingdom, to wear all such Silks, white Lace, Cloaths and others, in the same manner, and als freely as be the aforesaid Act, they were allowed to be worn by the priviledged persons therein mentioned: And that plain Satin Ribbons may be worn upon Apparel in the same manner as Tassitie Ribbons; Any thing in the said Act to the contrair, notwithstanding. Likeas, His Majesty, with advice foresaid, doth hereby Ratisse and renew the atoresaid Act, past in the last Session of Parliament, concerning Apparel, in all the other heads, clauses and articles thereof, which are not by this Act innovat or discharged.

A. C. T concerning the Imposition on

TOBACCO.

At EDINBURGH, the 2. of December, 1673.

The King's Majesty, considering the prejudice that doth and may arise to the trade of Tobacco, be and upon occasion of the late Imposition upon the Tobacco, and the gift of the same given under His Majesties Great Seal, to Sir John Nicolson of Nicolson, of the date the second of December, 1671. Therefore His Majesty, with advice and consent of His Estates of Parliament, doth discharge the said Imposition upon the Tobacco And declares the said Imposition, and Gift thereof granted to the said Sir John Nicolson to be void and extinct in all intents, as if the said Imposition and Gift had not been imposed or granted. And His Majesty, with consent foresaid, doth allow the Importing of Tobacco in all time comming free and without payment of any other Custome and Imposition but the ordinary Custome: Conform to the book of Rates, And the Excise. It is alwayes Declared and Ordained, that such sums of money as have been payed to the said Sir John, or to any person in his name, for and upon the account of the said Imposition, and all Bands granted upon the account foresaid, shall pertain to His Majesty, and the said Sir John stall be accountable for the saids sums, and shall be obligged to deliver the saids Bands to the Lords of His Majesties Thesaurie for His Majesties use; Excepting alwayes, the Band given for the Tobacco, imported in the Ship called Whereof John Philips is Master, arrived at the Port of in the West, which His Majesty doth discharge, and Ordains, to be given back to those who granted the

in the West, which His Majesty doth discharge, and Ordains, to be given back to those who granted the same: And sicklike, excepting any other Bands granted upon the account of the said Imposition, where the Tobacco is not vented, as to such proportions thereof, as the Merchants shall declare upon their Oath, are not sold by them, they alwayes paying the ordinary dues, viz. Custom conform to the book of Rates, and Excise. And His Majesty, with advice foresaid, doth hereby Declare all Tobacco already Imported, to be free of the said Imposition, where money hath not been payed, or Bands granted for the same, and

dicharges any arrestments laid thereon upon the account of the faid Imposition.

A. Primerose, Cls. Reg.

FINIS.

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THE

LAWS AND ACTS

Of the THIRD

PARLIAMENT.

Of Our Most High and Dread Soveraign,

CHARLES THESECOND

By the Grace of GOD, King of Scotland, England, France and Ireland,
Defender of the Faith.

Holden at EDINBURGH, the 28. day of July, 1681.

By His Royal Highness J AMES Duke of Albany, and York, &c. His Majestie's
High Commissioner for holding the same, by vertue of Commission under
His Majestie's Great Seale of 1831s Kingdom.

With the special Advice and Consont of the Estates of Parliament.

Ì.

ACT Ratifying all former Laws for the Security of the Protestant Religion.

August 13. 1681.



UR SOVERAIGNE LORD, With advice and confent of the Estates of Parliament, Ratisses and approves all and whatsoever Laws, Acts, and Statuts made by his Royal Grand-father, and Father of Blessed Memory, or made and past in any of his Majestie's former Parliaments, for settling and securing the Liberty and Freedom of the true Kirk of God, and the Protestant Religion, presently Professed within this Realm, and all Acts made against Popery, And Ordains the same to stand in full force, and effect, and to be put in Execution, according to the tenour and purport of these Acts, As if they were specially mentioned, and set down herein.

1 1.

A C T Acknowledging and afferting the right of Succession to the Imperial Crown of Scotland.

August 13. 1681.

THE Estates of Parliament, Considering that the Kings of this Realm deriving their Royal power from God Almightic alone, do succeed lineally thereto, according to the known degrees of Proximitie

in blood, which cannot be interrupted, suspended or diverted by any Act or Statute whatsoever, And that none can attempt to alter or divert the said Succession, without involving the subjects of this Kingdom in Perjurie and Rebellion, and without exposing them to all the satal and dreadful consequences of a Civil warr, DOE therefore from a hearty and sincere sence of their duty. Recognize, acknowledge and declare, that the right to the Imperial Crown of this Realm, is by the inherent right and the nature of the Monarchie, aswel as by the fundamental and unalterable Laws of this Realm, transmitted and devolved by a lineal Succession, according to the proximitie of blood. And that upon the death of the King or Queen, who actually Reignes, The subjects of this Kingdom are bound by Law, duty and allegiance, to obey the next Immediat and Lawful Heir either Male or Female. Upon whom the right and administration of the Government is immediatly devolved. And that no difference in Religion, nor no Law nor Act of Panliament made, or to be made, can alter or divert the right of Succession and lineal descent of the Crown to the Nearest and Lawful Heirs, according to the degrees foresaids: nor can stop or hinder them in the full, free and Actual administration of the Government according to the Laws of the Kingdom. Likeas OUR SOVERAIGNE LORD, With advice and consent of the saids Estates of Parliament, Dodeclare it is high Treason in any of the subjects of this Kingdom, by writing, speaking, or any other manner of way to endeavour the alteration; suspension of diversion of the said right of Succession, or the debarring the Next Lawful Successor the immediat, Actual, full and free administration of the Government, conform to the Laws of the Kingdom. And that all such attempts or designes shall inferr against them the paine of Treason.

TII.

ACT For a voluntary offer of a new Supplie to the King's Majestie.

August, 20. 1681.

UR SOVERAIGNE LORD, and Estates of Parliament taking to consideration, That the Convention of Estates, bolden at Edinburgh, in the Moneth of July, 1678. upon the weighty confiderations therein specified, and particularly the great danger the Kingdom was under, by seditious and rebellious Conventicles, and the necessitie which then appeared to encrease the forces, for securing the Government, and suppressing these Rebellious commotions, which were somented by seditious principles and practises. DID THEREFORE humbly, and dutifully offer a chearful and unanimous supplie of Eighteen hundred thousand pounds Scots, to be raised and payed forth of the Shires and Burghs of this His Majesties ancient Kingdom, in the space of five years, according to the present valuations; And that as Twentie five Moneths cess in the whole, being five Moneths yearly, amounting to Three hundred and fixty thousand pounds Scots each year, at two terms in the year be equal portions, at the terms mentioned in the faid Act, being two Moneths, and an halfe Moneths cess for every term; according to the proportions imposed on each respective Shire, and Burgh by the said Act of Convention. AND the Estates of Parliament now conveened, having taken to confideration, how the dangers from the foresaids causes doe much encrease, in so far as such as are seditiously, and rebelliously inclined, doe still propogat their pernicious principles, and go on from one degree of rebellion to another; till now at last the horrid villanies of murther, assistantial on, and avowed rebellion are owned, not only as things Lawful, but as Obligations from their Religion, to the dishonour of God, the scandal of Religion, the danger of His Majestie's Sacred Person, the overthrowing of all Government Ecclesiastical and Civil, and the Imminent and apparent ruine of the Subjects lives and DOE THEREFORE, In a due sence of their duty to God, To their Sacred Soveraigne, and to the preservation of themselves, and their posteritie, Of new make ane humble, unanimous, chearful, and hearty offer, for themselves, and in name of, and as representing this His Majestie's ancient Kingdom, of a continuation of the foresaid supply granted by the Convention of Estates; and that for the space of five years, or Ten terms successive: Beginning the first term's payment, at the term of Martin-mas- 1683. being the next immediat term, after the expyring of the last term of the supply granted by the said Actor Convention, being two Moneth's, and an halfe Moneth's cess, for each term of the saids Ten terms, and so forth to continue in manner foresaid, yearly, and termly, during the saids five years; HUMBLY because the saids five years; HUMBLY because the saids five years. feeching His Majestie, graciously to accept this their unanimous offer, and tender foresaid. WHICH supply is to be uplifted, levied and collected in the same way, and manner, as is prescribed, and appointed by the said Act of Convention, with the alterations and additions following, viz. That the Commander of the torces shall give, and allow such parties, and no more, to the Receiver General, for quartering on deficients, as he shall require from time to time, for inbringing of the said supply; As also that the said Receiver General shall send parties to each Shire, in such number, and no greater; and at such times, as the Commissioners of Excise and Cess, or any two or more of them, or their Collector within the respective Shires, shall require to be imployed for inbringing the supplie; and that all parties sent to quarter in any Shire upon the accompt foresaid, shall be directed in their quartering, by the Commissioners of Excise and Cess, within each Shire, according, and in the manner prescribed by the foresaid Act of Convention. IT IS ALWAIDS HEREBY DECLARED, That although the Commissioners, or their Collectors should not require

rie of Souldiers: Yet it shall be Lawful to the Receiver General after the clapfing of the terms of payent, to fend parties to quarter upon the deficients, according to their proportions, viz. four Troupers, Dragoons, or Sex foot, for each Thousand pounds Scots, of deficiencie, and so forth proportionally; Which parties shall be ordered to quarter upon any deficients within the Shire; as the Commissioners or any moof them, or their Collector shall direct; which order and method is to be observed in quartering for the fixele; And the Receiver General or Tacksmen of the same, are only to imploy the number of forces toreidin quartering therefor, as for the supplie. AND It is STATUT, and ORDAINED, that in case be Collector of any Shire, shall receive in any of the faid supply, and retain the same in his hands, not paying it in to the General Receiver, That he shall be lyable to pay Ten pounds, for each one hundred pounds received by him; which he shall not pay to the said Receiver, within a Moneth after his receipt thereof, But rejudice alwaies to the faid Receiver, to use quartering and other diligence, against the saids Collectors, or thers lyable in manner forefaid. AND HIS MAJESTY In His Royall goodnes, and care to His People, taking to his Princely confideration, the many troubles, and inconveniences; which arise from hetransient, or free quartering of Souldiers, and from the localities for furnishing, and carrying Corn, www, or Grass, to the Souldiers Horses, DOETH with consent of the Estates of Parliament discharge adprohibit, all free quartering of the Souldiers, either transient, or local, and all localities for furnishing dearrying Corn, Straw, Hay, or Grass, to Souldiers Horses, and that from, and after the first day of November next in this instant year, 1681. the quartering, and localitie alwaies betwixt and the faid first day November being payed or allowed, conform to the faid Act of Convention: And in case any Officers or Souldiers shall exact any free quarters, or any such localitie thereafter, the damnage being instructed before Mo Commissioners for the supplie, or Excise, upon production of a certificat thereof under their hands. the Officer being required be way of Instrument to give redress to the partie, and not doing the same, shall lose Moneths pay to be payed to the partie injured by the Collector of the Cess or Excise in the Shire, by and attour the faid damage, which shall be allowed to him by the General Receiver: And this punishment to appeared to any quartering for deficiencie which shall be used, or exacted otherwaies then is prescribed inmanner foresaid. AND It is hereby DECLARED, that no discharges granted by Tennents to Soullers, for provisions, either of Men or Horses, shall exoner the Officers or Souldiers, unless these discharges beunder the hand of the Master, or Chamberlain. IT IS ALWAIES hereby specially PROVIDED and OR DAINE D, that the Sheriff principal or his Deput in the respective Shires, with any two or three of the Commissioners of Supplie or Excise, shall set prices on Corn for the use of the Troupers, conform to fars of the year, and prices upon Straw, Hay, and Grass, according to the Current rates of the Countrie. and take care that the same be sold at these rates, upon present payment of money to be made by the Souldiers wheowners of the faids provisions: And in case it shall happen that any Horses shall be imployed, and madeuse of, by Officers, or Souldiers, in Towns, or in the Countrie, for carrying Artilliary, Ammunion, or provision, or any other use of the Army, It is hereby Ordained, that there shall be payed for each by that they travel Three shillings Scots, for each two myles to the Man and Horse, and each day that they enot travel, Six shillings Scots to the Man, and as much for the Horse: the Man being oblidged to provide infelse and the Horse, which shall be payed by the Magistrats of the Burgh, if the Horses be taken within a Town, or if in the Country, by the Collector of the supply in the Shire, who are to be repayed thereof, or to have the same allowed to them by the Receiver General. AND. HIS MAJESTY & Estates of Parliament OR-DAINS the Commissioners named by the Act of Convention to be Commissioners for ingathering of this pply, And appoints the Sherriffs of the respective Shires, to be Conveeners of the saids Commissioners: Recommending to the Lords of Privy Council, to appoint Commissioners in place of any of them already mmed be the faid Act of Convention, who are deceased, upon lists given in be the remanent Commissioners. AND The Estates of Parliament doe declare, that no person lyable in this supply, shall be excemed from paying his proportion of the same; And doe beseech his Majesty not to grant any such exemptions, in savours sany Person. AND IT IS HEREBY DECLARED, that no person lyable in payment of this hiply shall be holden to produce their discharges or receipts of the same after the Tenth day of June, one touland, six hundreth, nintey and one year. His Majesty with advice and consent foresaid STATUTS and ORDAINS, that for the releife of the Heretours and others lyable in this fupply, their Vaffals, and Fewas, who pay no part of the Cefs, and also their Tennents, Sub-Tennents, and others living upon their Linds shall be taxed and pay into the saids Heretors yearly, each one of the saids Five years, the sums of money following, viz. Each Gentleman above the quality of a Tennent, the sum to be appointed by the netor, not exceeding fix pounds Scots, for himselfe, his Wife, and Children; Each Tennent and other lababitant, above the qualitie of a Tradiman, Cottar, or Servant for themselves and their Wyves and Childen; any fum not exceeding four pounds Scots: And each Tradfman, Cottar or Servant any fum not exceding Twenty shillings Scois. And it is ordained that the Heretor shall have the same Execution for raising mesaids sums, as for their Mails and duties.

IV.

ACT for securing the Peace of the Countrie.

August. 29. 1681.

UR SOVERAIGNE LORD. and the Estates of Parliament, DOE Ratisse, and Approve, all Laws, and Acts of Parliament, made for fecuring the Government of the Church, as it is now established by Law. AND for the farther security of the Peace of Church and State, as it is now established, THEY do hereby STATUTE and ORDAIN, That where any persons who are Tennents, as well in Burgh, as Land, or Servants, being dilated upon the Oath of Calumny of the Informer, shall be found guilty, or holden as confest, before any competent Judicatory for field-conventicles, or for resetting Preachers who are, or shall be, Intercommuned, or declared fugitives, upon a process intended against the faids Tennents and Servants, within three Moneths after committing of the faids crimes; That their names, with their fentence, be intimate by the Judge who pronounced the fame, under form of Instrument, to the Master, if the delinquent be a Servant, or to the Heretour, and Land-Lord, in whose Land, and Houses, he
lives, if he be a Tennent, or Cottar: which Master, or Heretour, shall be oblidged within a Moneth after the faid intimation, either to pay the delinquent's fine, there being sufficient goods to fatisfie the fame, by and attour a year's rent to the Master, or if he have not sufficient goods, to put him and his Family out of his Land or House, if he be a Tennent, or Cortar; and if a Servant, our of his Service, or present him to Justice. providing alwaies that the libel whereupon the foresaid sentence proceeded, be special as to a certain place, where the field-conventicle was keep'd, or there about, and also be special as to the time, viz. a certain day of fuch a week, or one or other of the dayes of that week. AND HIS MAJESTIE, with advice, and consent of His Estates of Parliament, DECLARES, that in this case, it shall be Lawful to Heretours, to put their Tennents out of their Lands, or out of their Houses posses by them, at any time of the year, and that without any warning, or process of Removing, and that notwithstanding of any tacks set to the Tennents for years, or terms torun, which, in this case, are hereby declared to be void and null: Andthe Masters and Heretors are hereby authorized, and allowed, to retain as much of the goods and geir belonging to the faids Tennents, Cottars, and Servants, as may fatisfy, and pay, the last year's rent due by the Tennents, and relieve them of the faids fines. AND HIS MAJESTIE, with consent foresaid DE-CLARES, That if any man shall resset, or entertain, any Servant, Tennent, or Cottar, who is so put away, he shall be lyable to pay three years see to the Master who did put him away, and three years duty to the Heretor who put away his Tennent, or Cottar, if the faids Tennents, or Cottars, so put away, be reflet, or harboured, by any other Heretour, as faid is, and shall likewise be lyable in one hundred pounds Scots, to be payed to the King. IT IS also hereby STATUTE and ORDAINED, That the fines Impo fed by former Laws upon field-conventicles, shall be doubled, each person being by this Act synable in twice as much as he was fynable by the former Laws; except as to Burgesses of Burghs Royal, Regality and Barony, who befides the incurring the same fines for field-conventicles, are for the future to lose their Burgesships, and liberties, and to be banished from the Town where they lived. AND to the end that all the Laws against Conventicles may be the better put to Execution, IT IS HEREBY DECLARED, that it shall be Lawful to His Majestie, to nominat Sheriff-deputs, Justices of Peace, or other Commissioners for punishing conventicles, and such as are guilty of irregular Marriages, Baptisms, and invading of Ministers.

v

ACT Concerning probative Witnesses in Writs and Executions.

August 29. 1681.

Our SOVERAIGNE LORD Considering that by the Custom introduced when writing was not so ordinary, Witnesses insert in writs, although not subscribing, are probative Witnesses, and by their forgetsulnes may easily disown their being witnesses. FOR REMEED whereof, His Majestie with advice and consent of the Estates of Parliament DOETH ENACT and DECLARE, That only subscribing Witnesses in writs to be subscribed by any partie hereafter, shall be probative, and not the Witnesses infert not subscribing; And that all such writs to be subscribed hereafter, wherein the Writter & Witnesses are not designed, shall be null, and are not supplyable by condescending upon the Writter, or the designation of the Writter and Witnesses. AND it is farther STATUTE & DECLARED, That no witness shall subscribe as Witnesses to any partie's subscription, unless he then know that partie, and saw him subscribe, or saw, or heard him give warrand to a Nottar, or Nottars to subscribe for him, and in evidence thereof touch the Nottar's pen, or that the partie did at the time of the Witnesses subscribing acknowledge his subscription; Otherwise the saids Witnesses shall be repute and punished, as accessorie to forgerie. AND SEING writting is now so ordinary, HIS MAJESTIE with consent foresaid DOETH ENACT and DECLARE, that no Witnesses shut subscribing Witnesses shall be probative in instruments of Seising, Instruments of Resignation ad remanentiam, instruments of intimation of assignations, translations, or retro-cessions to bands, contracts, or other writs, which shall happen to be subscribed in any time hereafter: AND THAT

none but subscribing Witnesses shall be probative in Executions of Messengers, of Inhibitions, of Interdictions, Hornings, or arrestments; And that no Execution whatsoever to be given hereafter, shall be sufficient to inferr interruption of prescription in Real rights, unless the same be done, before Witnesses present at the doing thereof subscribing: And that in all the saids cases the Witnesses be designed in the bodie of the Writt Instrument, or Execution respective, otherwise the same shall be null and void, and make no faith in Judge ment, nor out-with,

VI.

ACT Anent Religion and the TEST.

August. 31. 1681.

UR SOVERAIGNE LORD, With His Estates of Parliament Considering. That albeit by many wholfome Laws made by his Royall Grand-father, and Father, of Glorious memory, and by himself, in this, and His other Parliaments, since His happy Restauration, the Protestant Religion is carefully afferted, established and secured against Popery and Phanaticusm: Yet the restless Advarsaries of our Religion, do not cease to propogat their errours, and to seduce his Majestie's Subjects, from their duty to God, and Loyalty to His Vice-gerent, and to overturn the established Religion, by introducing their Superstitions, and delusions, into this Church, and Kingdom. And knowing that nothing can more encrease the numbers and considence of Papists, and Schismatical differences from the Established Church, then the supine neglect or putting in Execution the good Laws provided against them, together with their hopes minfinuat themselves, into Offices, and places of trust, and publick Imployment. THERFORE, His Majesty, from His Princely and pious zeal, to maintain and preserve the true Protestant Religion, conrained in the Confession of Faith, recorded in the first Parliament of King James the Sixth, which is founded on, and agreeable to the written word of GOD; DOETH, with advice and confent of His Estates of Parliament, Require and Command, all His Officers, Judges, and Magistrats, to put the Laws made against Popery, and Papists, Priests, Jesuits, and all persons of any other Order in the Popish Church, especially against sayers and hearers of Mass; Venders and dispersers of forbidden Books; And Ressetters of Popilh Priests, and excommunicat Papists: As also against all Phanatick Separatists from this National Church; Against Preachers, at House, or Field Conventicles, and the Ressetters and harbourers of Preachers, who are Intercommuned; Against disorderly Baptisms, and Marriages, and irregular Ordinations, and all other Schismatical disorders. To full and vigorous execution, according to the Tenour of the respective Acts of Parliament thereament provided. And that His Majestie's Princely care to have these Laws put in Execution, against those enemies of the Protestant Religion, may the more clearly appear: HE DOETH, with advice and consent foresaid, STATUT and OR DAIN, That the Ministers of each Paroch, give up in October Yearly, to their respective Ordinaries, true and exact lists of all Papists, and Schismatical-withdrawers from the publick Worship, in their respective Paroches; which Lists are to be subscribed by them, and that the Bishops give in a double of the saids Lists Subscribed by them, to the respective Sheriffs, Stewards, Bailies of Royalty, and Regality, and Magistrats of Burghs, To the effect the saids Judges may proceed against them according to Law: As also the Scheriffs, and other Magistrats foresaids, are hereby ordained to give an account to His Majestie's Privy Council in December yearly, of their proceedings against those Papists, and Phanatical Separatists, as they will be answerable at their highest peril. And that the diligences done by the Sheriffs, Bailies of Regalities, and other Magistrats foresaids. may be the better enquired into by the Council, the Bishops of the respective Diocesses, ar to send exact doubles of the lifts of the Papifts and Phanaticks, to the Clerks of Privy Council, whereby the diligences of the Sheriffs, and other Judges foresaids, may be controlled and examined. And to cut of all hopes, from Papists, and Phanaticks, of their being imployed in Offices and Places of publick Trust. IT IS HERE-BY STATUT and ORDAINED, that the following Oath shall be taken by all persons in Offices, and places of publick Trust, Civil, Ecclesiastical, and Military, especially by all Members of Parliament, and all Electors of Members of Parliament, all Privy Counsellors, Lords of Session, Members of the Exchequer, Lords of Justiciary, and all other Members of these Courts; all Officers of the Crown, and State; all Arch-Bishops and Bishops; and all Preachers and Ministers of the Gospel whatsoever; all persons of this Kingdom, named or to be named Commissioners for the Borders; all Members of the Commission for Church Affairs; all Sheriffs, Stewards, Bailies of Royalties and Regalities, Justices of the peace, Officers of the Mint, Commissars and their Deputs, their Clerks and Fiscals, all Advocats and Procurators before any of these Courts, all Writters to the Signet, all Publick Nortars, and other persons imployed in Writting or Agenting; The Lyon King at Arms, Heraulds, Pursevants, and Messengers at Arms; all Collectours, Sub-Collectours and Farmourers of His Majestie's Customs and Excise; all Magistrats, Deans of Gild, Counsellers and Clerks of Burghs Royal and Regality; all Deacons of Trades, and Deacon-Conveeners in the faids Burghs; all Masters and Doctors in Universities, Colledges, or Schools, all Chaiplains in Families, Pedagogues to Children; and all Officers and Souldiers in Armies, Forts, or Militia; and all other perions in publick Truft or Office within this Kingdom, who shall publickly swear, and subscribe the faid Z 3

Oath as follows, viz. The Arch-Bishops, Chief Commanders of the Forces, and Officers of the Crown and State, and Counsellers, before the Secret Council: All the Lords of Session, and all Members of the Colledge of Justice, and others depending upon them, before the Session: The Lords of Justiciary, and those depending upon that Court, in the Justice Court: The Lords and other Members of the Exchequer, before the Exchequer: All Bishops, before the Arch Bishops: All the inferiour Clergy, Commissars, Masters and Doctors of Universities, and Schools, Chaiplains and Pedagogues, before the Bishops of the respective Diocesses: Sheriffs, Srewards, Bailies of Royalty and Regality, and those depending on these Jurisdictions, before these respective Courts: And Provests, Baillies and others of the Burgh, before the Town Council: All Collectors and Farmourers of the King's Customs and Excise, before the Exchequer; The Commissioners of the Borders, before the Privy Council; All Justices of Peace, before their Convecent; And the Officers of the Mint, before the General of the Mint; And the Officers of the Forces, before the Commander in Chief; And common Souldiers, before their respective Officers; The Lyon, before the Privy Council; and Heraulds, Pursevants and Messengers at Arms, before the Lyon. And His Majesty. with confent foresaid, STATUTS and OR DAINS, that all those who presently possess, or enjoy any of the foresaids Offices, publick Trusts, or Imployments, shall take and subcribe the following Oath, in one of the foresaids Offices, in manner before prescribed, betwixt and the first of January next, which is to be recorded in the Registers of the respective Courts, and Extracts thereof under the Clerks hands, to be reported to His Majestie's Privy Council, betwixt and the first of March next, One thousand, fix hundred, eighty two, and thereafter in any other Courts, whereof they are Judges or Members, the first time they shall fit, or exerce in any of these respective Courts: AND OR DAINS, that all who shall hereaster be promoted to, or imployed in any of the foresaids Offices, Trusts, or Imployments, shall at their entry into, and before their excercing thereof, take and subscribe the said Oath, in manner foresaid, to be recorded in the Registers of the respective Courts, and reported to His Majestie's Privy Council, within the space of fourty dayes after their taking the same: And if any shall presume to excercise any of the saids Offices; or Imployments, or any publick Office, or Trust, within this Kingdom, (the King's Lawful Brothers and Sons only excepted) untill they take the Oath forefaid, and fubscribe it, to be recorded in the Registers of the respective Courts, They shall be declared incapable of all publick Trust thereafter, and be further punished with the lofs of their Moveables, and Liferent-Escheat, the one half whereof to be given to the Informer, and the other half to belong to His Majesty. And His Majesty, with Advice foresaid, recommends to His Privy Council to fee this Act put to due and vigorous Execution.

Follows the Tenour of the OATH to be taken by all Persons in Publick Trust.

. A. B. Solemnlie swear in presence of the Eternal God, whom I invocat as Judge, and Witness of my Incere intention of this my Oath, that I own, and sincerely profess the true Protestam Religion, contained in the Confession of Faith, recorded in the first Parliament of King James the Sixth; and that I believe the same to be founded on, and agreeable to the written Word of God. And I promise and swear, that I shall adhere thereto, during all the dayes of my lifetime, and shall endeavour to educat my Children therein: and Shall never confent to any change, or alteration contrary thereto: And that I difown, and renounce all such Principles, Doctrines, or Practifes, whether Popish, or Phanatical, which are contrary unto, and inconsistent with the faid Protestant Religion, and Confession of Faith. And for testification of my Obedience to my most Gracious Soveraign CHARLES the Second, I do affirm, and swear, by this my solemn Oath, That the King's Majesty . is the only Supreme Governour of this Realm , over all Persons, and in all Causes, as well Ecclesiastical as Civil; And that no forraign Prince, Person, Pope, Prelate, State, or Potentate, bath or ought to have any Jurisdiction, Power, Superioritie, Preheminencie or Authoritie Ecclesiastical or Civil, within this Realm. And therefore I doe utterly renounce, and for sake all for raign Jurisdictions, Powers, Superiorities and Authorities, And doe promise, that from henceforth, I shall bear Faith and true Allegiance to the King's Majesty, His Heirs and Lawful Successours. And to my power shall assist and defend, all Rights, Jurisdictions, Prerogatives, Priviledges, Preheminencies, and Authorities belonging to the King's Majesty, His Heirs and Lawful Successours, And I farther affirm and swear by this my solemn Oath, That I judge it unlawful for Subjects, upon pretence of Reformation, or any other pretence what some Taggery To enter into Carenaries of Leagues, or to converge the converge of asserting and Councils Conwhat soever, To enter into Covenants or Leagues, or to convocat, conveen, or affemble in any Councils, Conventions, or Assemblies, to treat, confult, or determine, in any matter of State, Civil or Ecclesiastick, with out His Majestie's special command, or express licence had thereto, or to take up Arms against the King, or those commissionated by Him: And that I shall never so rise in Arms, or enter into such Covenants, or Assemblies: And that there lies no Obligation on me from the National Covenant, or the Solemn League and Covenant (so commonly called) or any other manner of way what soever, to endeavour any change or alteration in the Government, either in Church or State, as it is now established by the Laws of this Kingdom. And I promise and swear, that I shall with my utmost power, defend, assist, and maintain, His Majestie's Jurisdiction foresaid against all deadly: And I shall never decline His Majestie's Power and Jurisdictions, As I shall answer to God. And finally, I affirm, and swear, that this my solemn Oath, is given in the plain, genuine sense and meaning of the words; without any equivocation, mental reservation, or any manner of evalion what soever; And that I shall not accept, or use, any dispensation from any Creature what soever. So help me God. ACT

VII

ACT discharging the Summer Session.

September 2. 1681.

OUR SOVERAIGNE LORD, upon grave and weighty confiderations, finding it necessary and of great import for the good of his Majestie's Subjects, that the Summer Session in the Moneths of June and July yearly, be supprest, and taken away: DOETH with advice and consent of his Estates of Parliament, STATUTE, and ORDAIN, That in all time coming, the meeting and sitting of the Judicature of the Session, and Colledge of Justice, shall only be yearly, from the first of November, to the last of March Inclusive, and that there be a surcease of their meetings yearly, from the Twentieth and south of Docember, to the first of January immediatly sollowing. And inhibits, and discharges the sitting of the Judicature of the Session in the saids Moneths of June and July, or any other time, but as the same is appointed, allowed, and prescribed, by this present Act.

VIII.

ACT For continuation of the Excise.

September 6. 1681.

The ESTATES of Parliament, confidering that the Excise of forreigne, and in-land commodities, imposed by the fourteenth Act of the first Session of his Majestie's first Parliament, does terminat with the life of His Sacred Majesty who now reignes, whom God Almighty long preserve. A N D They being desirous, that the Royal Government of the Kingdom, should not be then destitute of a due, and surable support, for desiraying the exigences thereof: THEY DOE THEREFORE, make ane humble and cheerful offer of a continuation of the Excise, for the space of Five years, to begin at the termination foresaid, to be raised, levied, and collected, of the forreigne commodities specified in the said Act, at the rates mentioned therein, and in subsequent Acts of Parliament, which are holden as here repeated: And likewise of the in-land commodities of this Kingdom, and particularly of two merks Scots upon each Boll of Malt Browen, and sold, within the Kingdom, and three shillings Scots upon each Pynt of Aqua-vitæ, and Strong-waters, not made of Malt Browen, and sold, within this Kingdom. WITH POWER to His Majestie's Royal Successors during the saids years, to nominat and appoint Collectors, and other Servants, for the collecting, and inbringing of the said Excise, or to set the same in farm to the best advantage as they shall think fit. IT IS ALWAIES hereby DECLARED, that then neither Commissioners of Shires, nor Heretours, shall be lyable for the quota's of the Shires, nor shall the Landart be affected therewith, but that the same shall only be collected from the Brewers, Vintners, and Tapsters over the whole Kingdom, according to the extent of their Brewing, and at the rates foresaids, during this said continuation.

IX.

ACT Against personal Protections.

September 6. 1681.

OUR SOVERAIGNE LORD, and Estates of Parliament, DOE Ratisse, and approve all former Laws, and Statutes, made against Supersedere's, and Protections; And to the end the same may be made yet more effectual, THEY Discharge the Lords of His Majestie's Privy Council, Session, and Exchequer, and Commissioners of Justiciary, to grant Protections, Licences, or Supersedere's, Certifying such as shall grant the same, that they shall be lyable for the debt, upon which execution is stoped by the said Protection. And to the end such as are accessory may be clearly discovered, They ordain that all Protections, Supersedere's, and Licences, shall be signed by such as grant them; And they declare that their signing thereof shall prove against them their voting thereto, and shall make all who signe them, whether the President of the Court, or others as lyable, as it they had become Cautioners for the said debt: And ordains that these Protections be recorded in the Books of the Court, which granted the Protection, and that extracts thereof under the Clerks hand, shall make faith against the granter. IT ISALWAIES hereby DECLARED, that it shall be free to

the Lords of His Majesties Privy Council, Session, and Exchequer, and the Commissioners of Justiciary, to grant Protections to such as are cited, charged, or required by Law to compear before them, for such sew dayes, as they may come and give their appearance, and during their necessary stay, and some sew dayes for their return, not exceeding a Moneth in all. The parties who require witnesses to be cited, or their Tutours and Curatours, if the saids parties be Minors, giving their Oaths of credulity, or subscribing a certificat under their hand upon Oath, that these who are cited by them to be Witnesses, are material Witnesses, which Protections shall bear the cause for which they are granted. AND LASTLY, It is hereby DECLARED, that it shall not only be Lawful to put the Laws in Execution, notwithstanding of Protections and Licences, granted contrary to this and former Laws, but that if any Messenger, or Magistrat resuse to deprive the Messenger who resuses to execute the Law, upon pretence of any such Protection, Licence, or Supersedere.

X.

ACT Concerning Wives Terces.

September. 6. 1681.

Our SOVERAIGNE LORD Confidering that sometimes through the ignorance, and inadvertencie of some Writers and Nottars, Clauses are insert in contracts of Marriage, containing provisions by Husbands in savours of their Wives, without mentioning the terce that is due to her by Law, or expressing the provision to be granted in satisfaction of the terce; whereby occasion is given to Relicts to claime a terce out of their Husbands estates by and attour the provision conceived in their favours, contrary to the meaning and intention of the parties contracters. FOR REMEED whereof, the Kings Majesty, with advice and consent of the Estates of Parliament, STATUTES and ORDAINS, That in time coming where there shall be a particular provision, granted by an Husband in savours of his Wise, either in a contract of Marriage, or some other writ, before or after the marriage; That the Wise shall be thereby sechuled from a terce out of any lands or annual-rents belonging to her Husband, unless it be expressly provided in the contract of Marriage, or other Writ containing the said provision, that the Wise shall have right to a terce, by and attour the particular provision, conceived in her savours: But prejudice alwaies to the Lords of Session, to determine as to Contracts of Marriage, or provisions already made, according to the former Law and Custom.

XI.

A C T Concerning the Registration of Seisings, and Reversions of Tenements within Burgh.

September. 6. 1681.

UR SOVERAIGNE LORD, Confidering the great fecurity that this Kingdom enjoyes by the publick Register of Seisings, and Reversions, conform to the sixteenth Act of the 22. Parliament of King James the Sixth, holden in Anno 1617. And that there is fully the like reason and benefite, that the foresaid Statute should extend to the whole Kingdom, as well to Burgh, as Landward. THEREFORE His Majesty, with consent of his Estates of Parliament, STATUTES and ORDAINS, Thatin time coming, all Instruments of Seising of Tenements within Burgh Royal, or Liberties, or freedoms there-of holding in Burgage, and all Reversions, Regresses, Bands, or Writs, for making Reversions, or Ro-gresses, Assignations thereto, discharges thereof, Renounciations of Woodsets, and Grants of Redemption of the faids Tenements within Burgh, or the liberties, or freedoms thereof holding Burgage, shall be infert in the Town Clerks Books of the feveral Burghs respective, within Threescore dayes after the date of the fame, excepting reversions incorporat in the body of the right; And that the Town Clerk shall keep a feveral book therefore, depending only upon the Magistrats of the Burgh, without necessity of any warrand from the Clerk of Register, and minut Books of the same, to be quarterly compared and signed, by the Provest and Bailies of the several Burghs. IT IS ALWAIES DECLARED, that it shall not be necessary. to infert any Bands, or Writs, for making of reversions, unless Seisings pass in favours of the parties makers of the saids Bands, and Writs: IN THE WHICH CASE, It is ordained that the same shall be infert within fixty dayes after the date of the Seifing, the extract out of the which Register shall make faith in all cases, except where the Writs so insert are offered, to be improven: And if it shall happen any of the saids Writs which are appointed to be infert as faid is, not to be duely infert, within the faid space of Sixty dayes: THEN and in that case, His Majesty, with advice and consent foresaid, DECERNS the same to make no faith in Judgment, be way of action, or exception, in prejudice of a Third partie, who hath acquired a perfect and Lawful right to the faids Tenements, But prejudice alwaies to them to use the saids Writs against the parties makers thereof their Heirs and Successours. AND it is hereby DECLARED, that there shall be nothing payed to the Town Clerks for registration of the saids Seisings, but for any posteriour extracts, they shall have the halfe of the rates prescribed by the Act of Parliament for extracts out of the Registers of Seisings in the particular Shires. And for registrating in the Town's Books, of Reversions, Assignations thereto, or discharge thereof, Renounciations, and Grants of Redemption of Wodsets, which were not in use to be registrat before in the Towns Books, That they shall have the halfe of the rates prescribed by the Act of Parliament, for registration and extracting the same, as said is.

XII

ACT For encouraging Trade and Manufacturies.

September 13. 1681.

UR SOVERAIGNE LORD, from His Princely care for the Wealth and Flourishing of this His Ancient Kingdome, Confidering that the Importation of Forraign Commodities (which are superfluous, or may be made within the Kingdom, by encouragement given to the Maufacturies thereof) had exceedingly exhausted the money of the Kingdom, and hightned the Exchange to Forraign places, so that in a short time the stock of Money behooved to be exhausted, and the Trade thereof to fail: FOR REMEID whereof, His Majestie's Privy Council after long and ferious Deliberation, and advice of the most judicious and knowing Merchants of the Kingdom, DID by two Acts of Council of the dates, the first of March, and eleventh of April last, and publick Proclamations following thereupon, GIVE encouragement to Manufacturies erected or to be erected in this Kingdom, in manner, and to the effect underwritten: THERE-FOR E His Majesty, with advice and Consent of the Estates of Parliament, strictly Prohibits and Discharges, all Merchants, and other persons whatsoever, To Import into this Kingdom, any Gold or Silver threed, Gold or Silver Lace, Fringes, or Tracings, all Buttons of Gold or Silver threed, all manner of Stuffs, or Ribbans in which there is any Gold or Silver threed, all Philagram of Gold or Silver to be worne upon Apparel, and all the Counterfeits of any of them, all flower'd, ftrip'd, figur'd, chequer'd, painted, or printed Silk Stuffs or Ribbans, (no wayes comprehending changing colloured, or wattered Stuffs or Ribbans), All Embroideries of Silk upon wearing Cloathes: WITHCERTIFICATION, That all fuch Goods as shall be imported contrary hereunto in any time coming, or which have been imported contrary to the faids Proclamations, shall be burnt and destroyed, and the Importers, or Resetters fined in the value thereof. LIKEAS His Majesty, with advice and consent foresaid, strictly prohibits and discharges the wearing of any of the faids prohibited Goods, and Commodities within this Kingdom, by any of His Majesties Subiens, or others dwelling and refiding therein, after the first of April next, under the pain of five hundred merks Scots money, toties quoties, by and attour the Confiscation of the Cloathes, upon which any of the faids prohibited Goods shall be found; Allowing hereby to Officers and Souldiers of the Kings whole standing Forces, the space of two years after the first of November next, to wear out their Cloathes upon which there is any Gold or Silver Lace, Threed, or Buttons. LIKEAS His Majesty, with consent foresaid, strictly prohibits and discharges all Merchants and other Persons whatsoever, to import into this Kingdom, any forraign Holland-Linnen, Cambrick, Lawn, Dornick, Damesk, Tyking, Bousten, or Damety, Tutted or Stripped Holland, Calligo, Selefia, or East-India Linnen, & all other Forraign Cloaths & Stuffs, made of Linmor Cottoun, Wool or Lint: (noways comprehending Flannen, Arras hangings, Forreign Carpets, and made Beds of Silk, Damesk-hangings, Chairs and Stools conform thereto) all forraign Silk or Woolen Stockings, all forraign Laces made of Silk, Gimp or Threed, all forraign Laces or point, of any fort or collour, all forraign made Gloves, Shooes, Boots, or Slippers, all wearing Cloathes made abroad for Men, Women, or Children, excepting wearing Cloathes and Linnens brought home by Persons for their own use, who have been Abroad, and used by them, and made of such Cloathes, Stuffs, and Furniture as are by this Act allowed to be worne within this Kingdom.) WITH CERTIFICATION, that all such Goods as shall be imported contary hereto, and contrary to the faids Proclamations, shall be burnt and destroyed, and the Importers or defetters thereof fyned in the value of the faids Goods. And the Tacksmen, or Collectors of the Customs, rveyers, Collectors, Waiters or their Servants, are hereby strictly required, and commanded, to fearch or, feize upon, apprehend, burn and destroy any of the saids prohibited Goods that shall happen to be im-Mited contrary to this Act; With certification to them if they failzie, and fuffer the faids prohibited Goods beimported, either by tollerance or connivance, they shall not only amit and loose their places, and for wer be incapable to serve in that or any such Publick charge, but also syned in the value of the Goods that though their fault or neglect, shall happen to be imported; and any Merchant, or other person, who shall inform against any of the Farmourers, Collectors, Surveyers, or Waiters, for neglect of their Duty in the Premis, and prove the same, shall have their Fynes for their reward. LIKEAS, His Maiesty LATIFIES, and APPROVES all Acts already made for the encouragement of the Manusacturies this Kingdom, and encouragement of Strangers to come thereto, and fet up their feveral Callings therein

and anent the Weaving and Bleatching of Linnen cloath, declaring, that if any Strangers shall come, or be brought into this Kingdom by Natives to fet up, work, and teach his Art of making of Cloaths, Stuffs, Stockings, Soap, or any kinde of Manusactury, That he shall enjoy the benefit of Law, and all other privile ledges that a Native doth enjoy: with power to set up Manusacturies, either in Burgh or Land-ward, as they shall think fit, and there to dwell, and exercise their Trade, without any stop or trouble; and that they shall have liberty and freedom of Trade, and to buy and purchase Lands, and Heretages, and all other Goods moveable and immoveable, and all other priviledges, liberties, and capacities that do belong to any Native Subject, born within this Kingdom. And For the Farther encouragement of Manufacturies, all Oyl, dying Stuffs, forraign Wool, Lint, and Flax, Pot-ashes, or any other Materials whatsoever useful for Manufacturies, that shall be imported, are hereby declared to be free of Custom and Excise, and all other publick Dues in all time coming; and that all Cloaths, Stuffs, Stockings, or any other Commodities to be made, and exported by them, shall be free of all Cuttom and Excise, for the space of ninteen years after the date hereot. And it is farther declared, that any stock imployed, or to be imployed, for erecting and entertaining any Manufacturies, the same shall be free of all private and publick Taxes whatfoever, and all quartering and levying of Souldiers; and all the Servants of the faids Manufacturies shall be free of warching, warding, Militia, or Levies during their actual service therein, for the space of seven years after the date hereof. WITH POWER to the Masters, Erectors, or entertainers of Manufacturies, to meet for making of Ordinances for the Right ordering of their Servants, fufficiency of their Stuffs, Cloaths, and others, and appointing Visitors of their Works. AND HIS MAJESTY, with consent foresaid, RATIFIES and APPROVES the 43. Act of the 1. Session of His Majesties 1. Parliament, and the 46. Act of the same Session of Parliament, dischairgeing the exporting of Linner yarne, Worsteed, Woolen yarne, raw or unwaked Cloaths (except Plaiding, Fingtam, and Galloway white) under the pain of Confiscation thereof; And the Act of Parliament ordaining, that Linnen of the price of Ten shillings Scots the eln, or above, be not under the breadth of an eln and two inches, and that the fame be taken up by the Selvedge and not by the Ridge, and so presented to the Mercat, and that the same be bleatched without Lime, under the penalty of Confiscation of the Linnen otherwayes taken up, and bleatched, and imprisonment, and Fyning of the persons transgressors, not exceeding the value of the Linnen. LIKEAS it is hereby ORDAINED, that hereafter, all Linnen brought to Mercat for publick Sale, be made up of Peeces and half Peeces, and that the Peece contain Twenty four elns, and the half Peece twelve elns, and that it contain not one eln more or less, under the pain of confiscation thereof. And that all Fingram, Plaiding, Linnen, and Woolen Droggats, to be made in time coming, shall be of the breadth of three quarters and an nail, all Searges an eln and two inches, and the length of the Peece to be fifty, or fifty two elns to the whole Peace, and the half thereof to the half Peece, under the penalty forefaid, and that all the faids Peeces, whether Linnen or Woolen, be taken up in Folds, eln or three quarters long, and that none of them be rolled, that thereby the fufficiency of the whole Peece, may be known, and that the same be not stretched by the rolling, whereby the measure will not hold out; and that under the penalty foresaid, for all such Cloath otherwise taken up and presented to the Mercat. AND His Majesty, with ADVICE and CONSENT foresaid, DOETH Authorize the Lords of His Privy Council, to declare these Manufacturies already set up, or that hereafter shall be set up, to be such, to the effect they may enjoy the Priviledges, Liberties, and Immunities granted by the faids Acts of Par-AND for the more effectual execution of this Act, His Majesty with advice foresaid, OR-DAINS the Collectors of the Assessment and Excise, and their Sub-Collectors, Farmourers and Collectors of Customs, and Waiters in Burgh or Land, at every Term to give upon Oath, to the Judges ordinary upon the place by Sea or Land, and Justices of Peace, Lists of all those whom they have feen and observed to transgress this Act. And it is hereby declared, that the one half of the Penalties aforesaid; shall belong to themselves, and the other half shall be collected by them for His Majesties use, tryal being first taken, and the persons sound guilty by the saids Judges ordinary, or the Justices of Peace, and such contraveeners as they shall not give information of, that the one half of the Fynes shall belong to any other person who shall discover them: And in case the saids Collectors of Assessment and Excise, Farmourers, and Collectors of Customs, or Waiters shall by connivance, or otherwayes Failzie to give up the saids Lists as aforefaid, they shall loose their Places, and be incapable of that Office for ever. IT IS alwayes hereby provided, That no persons contraveening this Act, shall be lyable to the saids Penalties, unless they be found guilty within the space of three Moneths after Dilation in manner foresaid; But prejudice alwayes to any other person who shall discover the contraveeners, and furnish probation against them, of the one half of the penalties, whenfoever they shall discover them, they being alwayes discovered and found gulty, within the time and in manner forefaid. AND it is hereby DECLARED, That this present Act, is, and shall be in place of any former sumptuary. Law, in relation to Apparel.

XIII.

A C T Concerning Declinatours.

September. 13. 1681.

O'Ames the Sixth, It is expresly Statute and Ordained, that no Senatour of the Colledge of Justice, Ordinary, or Extra-ordinary, shall fit or vote in the causes of their Father, Brother, and Son. DOETH with advice and consent of His Estates of Parliament, STATUTE and ORDAIN, That this declinatour shall for the future be farther extended to degrees of affinitie, as well as consanguinity, So that in all time coming, No Senatour of the Colledge of Justice, Ordinary, or Extra-ordinary, shall fit or vote in causes, where the pursuer, or Defender, is either Father, Brother, or Son in Law to him; And also that he shall not sit, or vote, in any cause, where he is Uncle, or Nephew, to the pursuer, or Defender. AND it is hereby declared, That this Act shall be extended to the Lords of Privy Council, and Exchequer, and the Commissioners of the Justiciary, and to all other Judges and Judicatures in the Kingdom, who may be declined where they are related to the party Pursuer, or Desender, in the degrees foresaids.

XIV.

ACT Restraining the exorbitant expence of Marriages, Baptisms, and Burials.

September. 13. 1681.

UR SOVERAIGNE LORD, Confidering the great hurt, and prejudice, arifing to this Kingdom, by the superfluous expence bestowed at Marriages, Baptisms, and Burials. FOR repressing of which abuse in time coming, HIS MAJESTY with advice and consent of his Estates of Parliament. DOES Statute and ORDAIN, That Marriages, Baptisms, and Burials, shall be solemnized, and gone about, in fober, and decent manner. A N D that at Marriages, befides the married persons, their Parents, Children, Brothers, and Sisters, and the Family wherein they live, There shall not be present at any contract of Marriage, Marriage, or In-fare, or meet upon occasion thereot, above four Friends on either side, with their ordinary domestick Servants, and that neither Bride-groom, nor Bride, nor their Parents, or Relations, Tutours, or Curatours, for them, and to their use, shall make above two changes of raiment, at that time, or upon that occasion. Certifying such persons as shall contraveen, if they be landed persons, They shall be lyable in the fourth part of their yearly valued rent, and those who are not landed persons, in the fourth part of their moveables, Burgesses, according to their condition and means, not exceeding five hundred merks Scots, and mean Craftsmen and Servants, not exceeding one hundred merks: And if their shall be any greater number of persons then aforesaid, in any House or Jnn, within Burgh, or sub-urbs thereof, or within two miles of the same, where Penny-weddings are made, That the Master of the House shall be fined in the fumm of five hundred merks Scots. AND It is STATUT and ORDAINED, That at Baptims upon that occasion, besides the Parents, Children, Brothers, and Sisters, and those of the Family, there shall not be present above four Witnesses. AND FARTHER His Majesty with consent foresaid STATUTES, and OR DAINS, That their shall not be invited to Burials, any grater number of perfons then these following, viz. To the Burial of Noblemen, and Bishops, and their Wives, not above One hundred Noblemen and Gentlemen: To the Burial of a Baron of quality, not above Sixty, and other landed Gentlemen, not above Thirty. And that the Mourners at the Burials of Noblemen, and Bishops, and their Ladies, doe not exceed Thirty, and at the Burials of Privy Counsellers. Lords of Session, Barons, Provests of Burghs, and their Wives, the number of Mourners, doe not exceed Twenty four, And at the mals of all other Landed Gentlemen, and Citizens within Burgh, they doe not exceed the number of Twelve. And prohibits, and discharges the using, or carrying of any Pencils, Banners, and other Honours, *Burials, except only the eight Branches to be upon the Pale, or upon the Coffin, where there is no Pale, under the foresaids penalties respective, in case they contraveen. AND IT IS STATUTE, AND ORDAINED, That there be no Mourning Cloaks used at Burials, nor at any other time, under the pain of One hundred pounds Scots.

XV.

ACT Against Assassinations.

September, 13. 1681.

THE KING'S Most Excellent Majesty Considering, that notwithstanding Assassination be a Crime of a high nature inconsistent with, and wholly destructive to all human society: Yet such are

the pernicious principles, and wicked practifes of feveral persons, That they doe affert, and maintain these villanous, Impious, and horrid Doctrines, and principles. THEREFORE, HIS MAJESTY, With advice and consent of the Estates of Parliament DOETH STATUTE, and ORDAIN, That not only all such persons who shall affassinat. But that all who shall maintain, or affert, That it is lawful to kill any man upon difference in opinion, or because they have been imployed in the service of the King, or of the Church, as it is presently established by Law, shall incur the pain of Treason, and be punished by tinsel of Life, Lands, and Goods. A N D Remembring with horrour, the exectable murder of that most Reverend, worthy Prelat James late Arch-Bishop of Sanct-Andrewes, Lord Primat of Scotland, (who deserved so well of this Church, and Monarchy, for his eminent services to both) DOE Ordain the Sherriff of Fife and his deputs, To make weekly searches in these places, where it is, or may be, suspected these Assassinates doe reside, that they may be brought to Justice, and examplarly punished. And likewise ordains all other Sherriffs, and Magistrats, upon Information that those Assassines are within their bounds, To make search for and apprehend them, that they may be brought to Justice. AND DOE hereby Ratisse the former Acts of Council against such as shall resist those Murderers.

XVI.

A C T Concerning the Jurisdiction of the Admiral Court.

September 14. 1681.

UR SOVERAIGNE LORD, Confidering that the clearing and establishing the Jurisdiction of the High Admiral of this Kingdom, will greatly tend to the advancement, and encouragment of Trade, and Navigation. THEREFORE His Majesty, with advice and consent of the Estates of Parliament, DOETH Ratify and approve the 15. Act of the 12. Parliament of King James the Sixth, in the whole Heads, Clauses, and Articles of the same, And Decerns, and Declares, the High-Court of Admirality to bea Soveraigne Judicature in it felf, and of it's own nature to Import summar execution. And STATUTES and DECLARES, That the faid High Admiral, as he is His Majesties Leive-tenent, and Justice General upon the Seas, and in all Ports, Harbours, or Creiks of the fame, and upon Fresh waters, or Navigable Rivers below the first bridges, or within the flood marks, so far as the same does, or can at any time extend; So the faid High Admiral hath the fole Priviledge and Jurisdiction, in all Maritim and Sea-faring causes, forreign and domestick, whether civil or criminal whatsoever within this Realm, and over all persons as they are concerned And Prohibits, and Discharges all other Judges to meddle with the decision of any of the saids causes in the first instance, except the Great Admiral, and his Deputs allennarly. And STATUTES, ORDAINS and DECLARES, that it is the Priviledge of the said High Admiral, to cause parties become enacted, and find Caution, not only for compearance, but for performance, of the Acts and Sentences of his Court, and that he may punish all breakers of his arreastments, and resisters of his Officers, in the Execution of his precepts, and apply the fines, and amerciaments to his own use, conform to the Laws of the Kingdom. And farther STATUTS and DECLARES, that the High Court of Admirality is assupreme Court, and that the Decreets and Acts of all other Inferiour Courts of Admirality, are subject AND for the more to the review, and reduction, of the faid High Court of Admirality. ready and quick dispatch of Justice, in Maritim, and Sea-faring causes, forreign and domestick, whether Civil or Criminal within this Realm, and over all persons in so far as they are concerned in the same, both to Natives and Strangers, OUR SOVERAIGNE LORD with advice and consent foresaid Prohibits and Discharges all Advocations in the toresaids causes, from the said Court of Admirality to the Lords of Selfion, or any other Judges whatfoever in all time coming, and that no fuspension or other stop to the Execution of the Decreets, or Acts, of the faid Court of Admirality, be past be the Lords of Session, at any time hereaster, except by the whole Lords, in prasentia, in time of Session, and by three of the faids Lords the time of Vacance met together to that effect: And that if any suspensions, or stops shall happen to be past in manner forefaid, the same be summarly discussed upon a Bill, and be Priviledged and exceemed from the ordinary coursest the Roll: And if upon discussing thereof, the same shall be found to have been unjustly, and malitiously raised, That the faid High Court of Admirality, may upon the Application made by the Parties concerned, Modifie, and December Damages they have fultained by the faids suspensions, and stops of execution of their Acts and Decreets, attour the expences of plea before the Lords of Session, which is to be modified by the saids Lords of Session. AS ALSO His Majesty with advice and consent foresaid, STATUTES and OR-DAINS, That it shall be lawful and competent to the said Court of Admirality, to review their own Decreets and Sentences, if there be just occasion for the same. And His Majesty with advice and consent forefaid DECERNS and DECLARES, That it is the fole Right and Priviledge of the High Admiral, and his Deputs, the Judges of the High Court of Admirality, To grant passes, and safe conducts to all Ships; And Inhibits and Discharges, all others to grant the same, as they will be answerable upon their highest peril. And His Majesty with advice and consent foresaid Casses, Annuls, and Rescinds, all and whatfoever Laws, Acts of Parliament, or Customs, contrary to, or any wayes inconfistent with this prefent Act. ACT

X VII.

ACT Concerning the Sale of Bankrupts Lands.

September, 14. 1681.

UR SOVERAIGNE LORD, Confidering, that when the Estates and Lands of Bankrupts are affected with Adjudications, Comprisings, and other real Rights, exceeding their value, It oftimes fals out that the Creditors do not agree to fell the Lands, whereby fuch as have small sums upon such securities, cannot command any part thereof, and fuch Estates do oftimes become ineffectual to many Creditors. THEREFORE, His Majesty, with consent of His Estates of Parliament, DOTH authorize, and impower the Lords of the Session (upon a Process at the instance of any Creditor having a real Right) To cognofce, and try the value of fuch Estates, where the Heretor is notoriously Bankrupt, and the Creditors in possession of the Estate, and to value the same according to the true worth thereof, in its Rents, Casualities, Rights, and Holdings, according to the use and custom of the Country where the Lands ly, And to commillionat persons to sell these lands, and Estate, or any part thereof, at the saids rates, or more, as can be had for the same, with consent of the debitor, where there is a legal reversion competent to him; and without his confent where there is no legal: And ordains the faid fale to be by a publick Roup, not being under the rate, and price, appointed by the Lords of Seffion; and that the Roup be made after publick intimation at the Mercat-cross of the head Burgh of the Shire where the Lands lye, and at the head Burgh of the Bailiary, Stewartry, or Regality, if they ly within the fame, and at the Paroch Kirk where the Lands ly, and at fix other adjacent Paroch Kirks, (to be named by the Lords of Session) at the dissolving of the Congregation, ona Sunday after the forenoon's Sermon, by letters of intimation under the Signet, upon the Lords deliverance: Which letters shall specially express the time, and place of the Roup; And the Creditours having real rights and in possession shall be specially cited, upon Twenty one dayes, and all other persons concerned, whether within or without the Kingdom, at the Mercat-cross of the head Burgh of the Shire, Stewartry, or Regality, and at the Mercat-cross of Edinburgh, and Peer and Shoar of Leith upon sixty dayes, and a copy of the faid intimation shall be affixed at all the places forefaids, expressing the Lands to be Rouped, the price appointed by the Lords of Session, and the time, and place of the Roup. Which alienation so made, and reported to the Lords, and by their warrand registrat in the Books of Council and Session, HIS MAJESTY, with consent foresaid, DECLARES, to be as effectual upon payment of the price, as if the same were made by the Debitor, and all the Apprilers, Adjudgers, or other Creditors, who are so cited, and have any rights affecting the faids Lands, and that a Signature shall pass thereupon in Exchequer, and an warand for charging the Superior to enter the Purchaser, upon payment of a years rent, DECLARING alwaies that the price which shall be gotten for the faids Lands conform to the Roup shall be distribut by the Commissioners appointed to sell the Lands, or by the Purchaser of the same, amongst the Creditours proportionally, according to their feveral fums, rights, and diligences, as they are, or shall be ordered; and found preferable by the faids Lords, whether the faids Creditors have compeared, or not.

X VIII.

ACT Afferting His Majestie's Prerogative in point of Jurisdiction.

September 16. 1681.

THE ESTATES of Parliament confidering that all Government, and Jurisdiction within this His Majesties Ancient Kingdom of Scotland, does orginally reside in his Sacred Majesty, his lawful Heirs, and Successours: And though His Majesty, and his Royal Predecessours, have bestowed Offices, and Jurisdictions, upon several of his well deserving subjects, yet these are not privative of his Jurisdictions, They doe therefore, in a dutiful, and humble Recognizance of His Majesties Royal Right, and Prerogative as to this point, DECLARE, that notwithstanding of these Jurisdictions, and Offices, His Sacred Majesty may by himself, or any commissionated by him, take Cognizance, and Decision, of any cases; or causes, he pleases.

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XIX.

ACT Concerning the Oaths of Minors.

September 16. 1681.

OUR SOVERAIGNE LORD, and Estates of Parliament, taking to their serious consideration, the great abuses which may be committed against Minors, within twenty one years of Age compleat.

by causing them subscribe Bonds of borrowed Money, Contracts of Alienation of their Lands, Dispositions, Discharges, and other Writs of Importance, and ratisfie the same by Oath, swearing that they shall never come in the contrary, thereby depriving them of all the benefite of Revocation, Reduction, and Restitution in Integrum, allowed to them by the Laws of this Kingdom, where such Oaths are not made. IT IS THEREFORE Statute and Ordained, by the King's Majesty, with advice and consent of the saids Estates, That no such Oaths shall be exacted in time coming; And in case of Contravention, Declares the Contract to be void and null, and that no Execution shall pass thereupon, And Declares the Elicitor, or Exacter of the Oath to be Infamous: And it is hereby declared, that it shall be competent to any Person related to the Minor, to obtain the saids Writs to be declared void and null, be way of Action, exception, or reply.

XX.

ACT Concerning Bills of Exchange.

September. 16. 1681.

UR SOVERAIGNE LORD, Confidering how necessary it is for the flourishing of Trade, That Bills or Letters of exchange be duely payed and have ready Execution, conforme to the Cuftom of other parts, DOETH THEREFORE, with advice and confent of his Estates of Parliament, STA. TUTE and ORDAIN, that in case of any Forraign Bill of Exchange, from or to this Realm duely protested for not acceptance, or for not payment, the said Protest having the Bill of Exchange, prefixed, shall be Registrable within fix Moneths after the date of the faid Bill, in case of non-acceptance, or after the falling due thereof, in case of non-payment, in the Books of Council and Session, or other competent Judicatures, at the instance of the person to whom the same is made payable, or his Order, either against the Draw. er, or Indorfer, in case of an protest for non acceptance, or against the Accepter, in case of a protest for nonpayment, to the effect it may have the Authority of the Judges thereof, interponed thereto, that Letters of Horning upon a fimple charge of fix dayes, and others executorials necessary may pass thereupon, for the whole fums contained in the Bill, as well Exchange, as Principal, in forme as effeirs, ficklike, and in the fame manner, as upon registrat Bonds, or Decreets of Registration, proceeding upon consent of Parties. PROVIDING alwayes, That if the faids Protests be not duly Registrat within fix Moneths, in manner above provided, Then and in that case, the saids Bills and Protests, are not to have summar Execution, but only to be pursued by way of Ordinary Action, as accords. AND FARTHER, It is hereby STATUTE, and ENACTED, That the sums contained in all Bills of Exchange, bear Annual rent, in case of not acceptance from the date thereof, and in case of Acceptance, and not payment, from the day of their falling due, ay and while the payment thereof. AND FARTHER His Majesty with advice forefaid, hereby Declares, That notwithstanding of the foresaid Summar Execution provided to follow upon Bills of Exchange, for the fums therein contained, in manner above specified; Yet it shall be leafont to the party charger to pursue for the exchange, if not contained in the saids Bills, with re-exchange, damage, interest, and all expences, before the Ordinary Judge, or in case of Suspension, to eek the same to the Charge at the discussing of the said Suspension, To the effect, that the same may be liquidat, and Decreet given therefore, either against the party principal, or against him and his Cautioners, as accords.

XXI.

ACT Concerning the Election of Commissioners for Shires.

September. 17. 1681.

Our Soveral Gne Lord, Confidering, the great delay in dispatch of publick Affairs in Parliament, and Convention of Estates, occasioned by the contraverted Elections of Commissioners for Shires: For preventing whereof, and for clearing the orderly way of Election of the saids Commissioners in time coming. Therefore, and for clearing the orderly way of Election of the saids Commissioners in time coming. Therefore, and or Dains, with advice and consent of His Estates of Parliament, STATUTES and Order Dains, That none shall have vote in the Elections of Commissioners for Shires, or Stewartries, which have been in use to be represented in Parliament and Conventions, but those who at that time shall be publickly Insest in property, or superiority, and in possession of a Fourty shilling Land of old extent holden of the King or Prince, distinct from the Few Duties in Few Lands, or where the said old extent appears not, shall be insest in Lands lyable in publick Burden for His Majestie's supplies for Four hundred pounds of valued Rent, whether Kirk-lands, now holden off the King, or other Lands holding Few, Waird, or Blench off His Majesty, as King or Prince of Scotland, And that Apprisers or Adjudgers, shall have no vote in the saids Elections during the legal reversion, and that after the expiring thereof, the Appriser or Adjudger first Intest shall only have Vote, and no other Appriser or Adjudger coming in part passes.

legal the Heretor having right to the Reversion shall have vote: And Likewise proper Wodsetters, having Lands of the holding, extent, or valuation forefaid, which Rights to vote proceeding upon expired comprising, adjudication, or proper Woodset, shall not be questionable, upon pretence of any order of Redemption, payment, and satisfaction, unless a Decreet of Declaratour, or voluntar Redemption, Renounciation, or resignation be produced, and that appearand Heirs being in possession by vertue of their Predecessors Insettment of the holding, extent and valuation foresaid, And likewise Liferenters, and Husbands for the Freeholds of their Wives, or having right to a Liferent by the Courtefie of the faids Liferenters, claime their Vote. otherwayes the Fiar shall have Vote, but that both Fiar, and Liferenter shall not have Vote, unless they have distinct Lands, of the Holding, Extent, or Valuation foresaid, but that no person Insest for relief, or payment of fums, shall have Vote, but the granters of the faids Rights, their Heirs, or Successors. LIKE-AS His Majesty OR DAINS, the whole Free-holders of each Shire, and Sewartry, having election of Commissioners, To meet and conveen at the head Burghs thereof, and to make up a Roll of all the Free-holders within the same, whether lying within Stewartries, not having Commissioners, or Bailiaries of Royalty, or Regality, or without the fame, upon the first Tuesday of May next to come, according as the same thall be instructed to be of the holding, extent or valuation foresaid, containing the Names and Designations of the Fiars, Liferenters, and Husbands, having right to vote for the fame, in manner above written, and expreffing the extent, or valuations of the faids Free-holders, with power to continue, or Adjourn their Meetings untill the faid Roll for Elections be fully compleat. LIKEAS, The faids Free-holders shall meet and conveen, at the Head Burghs of the faids Shires, & Sterwartries respective, at the Michaelmas head Court yearly thereafter, and shall revise the said Roll of Election, and make such alterations therein, as have occurred since their last Meeting, from time to time; which Roll for Election shall be insert in the Sheriff, or Stewart books, particularly appointed for that end, according as they shall be stated each Michaelmas Court; And at the Election of Commissioners, either at the Michaelmas Court, or at the calling of Parliament, or Conventions, the faids Free-holders shall meet and conveen at the Head-Burgh of the Shire, or Stewartry in that Rowm, where the Sherriff or Stewart Court useth to be held, betwixt mid-day, and two afternoon, which Rowm shall be patent to them, and all others removed, but whom they call, and the first or second Commissioner last Elected, or in their absence the Sherriff or Stewart Clerk shall ask the Votes who shall preside, and who shall be Clerk to the Meeting, and in case any alteration have happened in the said Roll of Elections since the hast Meeting, the persons then coming to have right to Vote, shall be insert in the Roll, and there shall no objection be admitted against any Insert in the said Roll as said is, but what shall be propounded before they begin to vote to Election: And if the Objecters shall not be cleared, and acquiesce, they shall take Instruments containing their Objections against the admitting to, or excluding any person from the foresaid Roll: AND It is Hereby Declared, that no other Objection shall be competent in Parliament or Convention, but what shall be contained in the Instruments taken, as aforesaid: And in case Objections be made when a Parliament or Convention is not called, a particular Diet shall be appointed by the Meeting, and intimat to the Parties contraverting, to attend the Lords of Session, for their determination, who shall determine the same at the faid Diet fummarly according to Law, upon Supplication without farther Citation. And it is hereby Declared, that Horning for a civil Cause, or Non-residence, shall be no sufficient Objection, but that the Minority being instantly verified shall be a sufficient Objection, or the not taking the Test appointed by the sixth Act of this present Parliament, which is hereby ordained to be subscribed by all the Voters in Presence of the Meeting; before they proceed to the Election, and recorded in the Sherrist Court Books, and so returned with the Commission to the Clerk of Register. And if the Persons Objected against, shall appear at the Parliament, or Convention, and instruct the Right to Vote, the Objecter shall pay their expences, and be farther Fined in Five hundred Merks: And if the Objection be sustained in Parliament, the Objecters appearing shall have their expences, and the Party Objected against shall be Fined in Five hundred Merks. And to the effect that sufficient advertisement may be given to all parties having Vote in Election, who are to elect at the calling of a Parliament, or Convention, the Sherriffs and Stewards, are hereby ordained to make Publication of the Call and Diet of the faid Parliament, and Convention, and of the Diet appointed for Election. and that at the Head-Burgh of the Shire or Stewartry, upon a Mercat day betwixt ten and twelve in the Forenoon; And also shall make the like Intimation at each Paroch Kirk, on Sunday immediatly thereafter, which Diets for Election, shall at least be twelve dayes before the Meeting of Parliament, or eight dayes before the meeting of a Convention, that the Commissioners elected may have sufficiency of time to keep the Diet of the Parliament or Convention. LIKEAS His Majesty with consent foresaid, STATUTES and ORDAINS, the whole Heretors, Liferenters, and Wodfetters, within each Shire, and Stewartry, to contribute for the charges of the Commissioners thereof, according to their valuation, except only those who hold of Noblemen, or Bishops, or Lands belonging to Burrows Royal in Burgage: And also to the expences of the Foot-Mantles.

XXII

ACT Appointing the Quorum of the Justice Court in time of Vacance.

September 17. 1681.

OUR SOVERAIGNE LORD, and Estates of Parliament, DOE STATUTE and ORDAIN, that in time of Vacance of the Session, Three of the Commissioners of Justiciary, shall be a sufficient Quorum, who shall meet at Edinburgh in the Moneth of July yearly, any thing contained in the sixteenth Act of the Third Session of his Majesties second Parliament contrary thereto notwithstanding.

XXIII.

ACT Infavours of the University of Santt-Andrewes, Appointing halfe a Moneth's Cess to be raised for their use.

September 17. 1681.

OUR SOVER AIGNE LORD Considering the small and incompetent provisions and sallarles, at present possess by the Masters, and Professours, in his famous and Ancient University of Sanct. Andrews; Whereby learning is in great hazard to languish, and decay: DOET H for encouragment, and advancement of Learning, with advice and consent of his Estates of Parliament, STATU ΓΕ and ORDAIN, That halfe a Moneths Cess be Imposed upon the Land-rent of this Kingdom, to be payed into the Cash-keeper, with the second terms payment of the Cess in the years 1682 and 1683; And the money being payed in as aforesaid, shall be stocked in for the use of the University foresaid, and divided in it's just proportions, to the several Masters, and Professours in the several Colledges therein, by the advice and authority of his Majesties Privy Council.

XXIV.

A C T Ordaining Bread, and Butcher-Flesh, to be fold by Weight.

September 17. 1681.

OUR SOVERAIGNE LORD, and Estates of Parliament, Considering how necessary it is for the good of the subjects, That Bread and Flesh, should be within Burgh and Land sold in retail by Weight, and no otherwayes. DOE THEREFORE Statute and Ordain that in all time coming, Bread, and all Butcher-Flesh, as Beeff, Veall, Lamb, and Swine-flesh, shall be sold by Weight, when the same is sold in retail, and no otherwayes, under the pain of One hundred pounds Scots, toties quoties.

XXV.

Additional A C T, Concerning the Test.

September 17. 1681.

ORDAIN that the Test appointed by the fixth Act of this Parliament, to be taken by all persons in publick Trust, shall be taken by the Admiral-deputs, Judges of the High Court of Admirality, and all Members of that Court, and all particular Admiral-deputs within the Kingdom: The Director of the Chancellary, and all Writters in that Office; The Writter to, and under keeper of the Privy Seale, Surveyers, Waiters for the King's Customs and Excise through the Kingdom, The King's Sollicitor, the Lyon Clerk, and by all such as shall be commissionated to the Convention of Burrows, at their first Sederunts in their Courts, and in the said convention; And ORDAINS all Captains and other Commissionat Officers of the Train-bands in Burghs, and such as have any voice in Electing of Deacons of Trades within Burghs, and the Clerks to Trades, to take the said Test before the Magistrats of the respective Burghs, and the Deacons of the saids Trades respective before their respective Elections. And also ORDAINS all persons who shall be named Commissioners for revaluations, or rectifying valuation of Lands, to take the foresaid Test, under the pains contained in the said Act of Parliament: And that all persons who have heretable Offices from the King, not mentioned in the foresaid Act, shall take the foresaid Test, in presence of the Lords of Exchequer betwixt and the first of January, wherein if they saill, They shall lose their Offices, and casualities thereof during their lifetime.

A C T

XXVI.

ACT Concerning Publick Debts.

September 17. 1681.

UR SOVERAIGNE LORD Confidering that diverse Noblemen, Barrons, and Burrowes as well Members of Committees, Commissars-General, and their deputs, as others of this Kingdom, during the time of the late troubles, and Rebellion, did give their bonds for several great sums of money; Which albeit bearing for Borrowed money, were imployed for the use of the Publick, and for security whereof, the pretended authority for the time, did by Acts of pretended Parliaments, during these troubles, bind and oblidge the Estates of the Kingdom, to warrand, and relieve the Members of the saids Committees, and all other Persons whatsoever, who had given bonds or security, for any sums imployed for the use of the Publick, And that upon the rescinding of these pretended Parliaments, HIS MAJESTY and Estates of Parliament, after his happy Restauration, in Anno 1 661, for security of all such persons bound in these Bonds, did by an Act in that Parliament, suspend all execution, as well Real as Personal against the saids Persons, or their Heirs upon the foresaid Bonds, till the next Parliament: AND also in the subsequent Parliament holden in the year 1669, did continue the foresaid suspension, ay and while the foresaids Debts should be considered in Parliament. AND HIS MAJESTY now Considering, that the sums contained in the saids Bonds, granted by the foresaids persons, were imployed for the use of the Publick, during the time of the said Rebellion, and that the saids persons by the rescinding of the foresaids Parliaments, are cut off from the Benefit of any reliefe granted, or contained, in any of the faids pretended Acts in their favours. THEREFORE, the King's Majesty, with advice and consent of the Estates of Parliament, by this present ACT, Exoners, and perpetually discharges, the saids Noblemen, Barons, and Burrowes, and all others granters of the faids Bonds, their Heirs, Executors, and Successiours, of the faids Debts, and Bonds granted thereupon, and of all diligence, Pursue, Action, or Execution thereupon competent, as well Real as Personal, bygone or in time coming, And declares them and their foresaids, quit and free thereof for ever. PROVIDING alwaies that no Persons shall have the Benefit of
this Act unless they take the Test appointed by the sixth Act of this present Parliament. DECLARING
that the principal Debitour in these Bonds taking the Test, the Cautioner shall be free, and if the Principal refuse to take the Test, the Cautioner taking the same, shall be free as to his part. EXCEPTING alwaies the Heirs, Executors and Succeffors of the deceafed Duke of Rothes late Lord Chancellour, who in Respect of his Eminent Loyalty and Service to His Majesty, are hereby absolutly exonered and discharged of the saids Debts, without necessity of taking the foresaid Test, upon the account foresaid allennary; AND ALSO EXCEPTING Minors who shall not be oblidged to take the Test upon the forefaid account, Untill they attain to the years of Majority. And in Regard there were Debts contracted be the Earles of Caffits and Louthian and others with them in the year 1650 for his Majesties Service. For which they granted their own Bonds, and which are mentioned in an Act of Parliament past in their favours, in the year 1661, HIS MAJESTY with confent forefaid Discharges all Action and Execution for the sums contained in these Bonds against the saids Earles and Others, who were bound with them and their Succesfours, in Respect the same is a publick Debt, The money having been Borrowed for His Majestie's service as said is.

XXVII.

ACT Anent the Prices of French and Spanish Salt.

September 17. 1681.

OUR SOVERAIGNE LORD Out of his Princely care to encourage the Manufacturies and other publick Works of this his Ancient Kingdom, and to prevent the Unnecessary Importation of foreign commodities and the exorbitant prices that may be exacted from the Leiges. THEREFORE His Majesty with advice and consent of the Estates of Parliament, DOETH Erect and Declare All the Salt-works of this Kingdom to be free and publick Manufacturies: Endowing them, with all the Priviledges, Liberties, and Immunities, granted by Law in favours of any Manufactury, within this Kingdom. AS ALSO HIS MAJESTY Considering that the In-land Salt of this Kingdom, is sufficient for all other uses except the curing of Fishes, and Beeff exported, And that the foreign Salt which shall be imployed for the use of the Nation, may be surnished at the rates following: THEREFORE His Majesty with advice and consent foresaid, DOTH Statute, and Ordain, That all Importers of French Salt, or Retailers thereof, at the places, or Ports, where the same is imported, shall not upon any pretence whatsoever, exact more from the Leiges, then Five pounds Scots for the Limithgow

Boll of French Salt, Including the Forty shillings per Boll to his Majesty for Excise: And that Importers and Retailers of Spanish Salt, shall not exceed six pounds for the Linlithgow Boll thereof, including likewise the Excise, under the penalty of One Hundred pounds Scots, Toties quoties, for each Boll they shall sell above the rates foresaids, the one half thereof to his Majestie's use, and the other half to the Discoverer, who shall have power to pursue the Importers, who shall contraveen this Act before the Judges Ordinary. IT IS ALWAIES hereby DECLARED, That this Act shall be but prejudice of His Majesties Pretogative afferted by the Twentieth and sixt Act of the Third Session of His Majesties first Parliament, And that His Majesty may alter the saids rates, upon such occasions as shall seem necessary to him, In His Royal Wisdom.

XXVIII.

ACT Salvo jure Cujuslibet.

September 17. 1681.

Our SOVERAIGNE LORD, Taking to confideration, that there be many Acts of Ratifications, and others past and made in this Session of Parliament, in favours of particular Persons, without calling, or hearing, of such as may be thereby concerned, or prejudged: THEREFORE His Majesty with advice and consent of the Estates of Parliament, STATUTES, and ORDAINS, That all such particular Acts, and Acts of Ratification past in manner foresaid, shall not prejudge any Third party of their lawful Rights, nor of their Actions, and defences competent thereupon, before the making of the saids particular Acts, and Acts of Ratification; And that the Lords of Session, and all other Judges of this Kingdom, shall be oblidged to Judge betwixt parties, according to their several Rights standing in their Persons, before the making of the saids Acts: All which are hereby exponed, and declared, to have been made Salvo jure Cujuslibet. EXCEPTING alwaies, the Act past in this present Parliament, discharging persons of bonds given by them in the time of the late Rebellion, for sums imployed for the use of the publick, which is declared to be no wayes comprehended herein.

XXIX.

ACT, Of Adjournment.

September 17. 1681.

THE KING'S MAJESTY, Declares this Parliament Current, and Adjourns the same, To the first day of March next, One thousand, six Hundreth, eighty and two years. AND ORDAINES all Members of Parliament, to attend that day; And that there be no new Elections, of Commissioners, from Shires, or Burghs, except upon the death of some of the present Commissioners.

THO: MURRAY. Cls, Reg.

F I N I S.

A TA

E

Of the Printed A C T S.

- ACT Ratifying former Laws securing the Protestant Religion.

 Act asserting the Right of Succession to the Imperial Crown of this Kingdom.

 Act for a voluntary offer of a new Supply to His Majesty.

 Act for securing the Peace of the Country.

 Act concerning Probative Witnesses in Writs and Executions.

 Act anent Religion, and the Test.

 Act discharging the Summer Session.

 Act for continuation of the Excise.

 Act against Personal Protections.

 Act concerning Wives Terces.

- 10 Act concerning Wives Terces.
- 11 Att concerning the Registration of Seisings, and Reversions, of Tenements within Burgh.
- 12 Act for encouraging of Trade and Manufacturies.
- 13 Act anent Declinatours.
- 13 Act allent Decimatours.
 14 Act for restraining the exorbitant expence of Marriages, Baptisms, and Burials.
 15 Act against Assassinations.
 16 Act concerning the Jurisdiction of the Admiral Court.
 17 Act concerning the Sale of Bankrupts-lands.
 18 Act asserting his Majesties Prerogative in point of Jurisdiction.

- 19 Act concerning the Oaths of Minors.
- 20 Att concerning Bils of Exchange.
- 21 Act Concerning the Election of Commissioners for Shires ..
- 22 Act appointing the Quorum of the Justice Court, in time of Vacance.
 23 Act in favours of the University of St. Andrewes, appointing halfe a Moneths Cess to be raised for their use.
- 24 Act ordaining Bread, and Butcher-Flesh, to be sold by Weight.
 25 Additional Act concerning the Test.
 26 Act concerning Publick Debts.

- 27 Act anent the prices of French, and Spanish Salt.
- 28 Act Salvo jure Cujuslibet.
- 29 Ast of Adjournment.

I NI F

Of the Acts, and Ratifications, past in this first Session, of His Majestie's Third Parliament, and which are not here Printed.

Rotestation by some Noblemen, and Others, Commissioners from Shires, and Burghs, concerning their precedencie in the Rols of Parliament.

His Majestie's Letter to the Parliament, With the Parliament's Answer,

Act for yearly Fairs, and weekly Mercats, to some Noblemen, and Others, with some Protestations against the fame.

Act in favours of the Laird of Langtoun, for changing a high way near to the House of Langtoun.

Act in favours of the Laird of Langtown, for Registrating in the records of Parliament, a Charter granted by King Robert the Second, to his Predecessours, of the office of Heretable Principal Usher to the Parliament.

Act in favours of the Earl of Airley, against Master John Dempster of Pitliver, anent a Prescription.

Act anent the Election of Commissioners within Burghs Royal, for Parliaments, and Conventions.

Act in favours of the Town of Edinburgh, anent the Conduit of water brought thereto.

Act discharging the theiking of Houses within the Town of Edinburgh, and some Other Burghs Royal, with Straw, Bent, or Heather, and appointing the same to be done with Lead, Scailie, or Tile.

Act anent the Mortification made be Thomas Mudie, for building a Kirk in Edinburgh.

Act in favours of the Earl of Queensberry, anent a blank Bond given be him.

Act in favours of the Shire and Town of Dumfreis, anent a Custom upon the watter of Nith.

Act anent the Salmond fishing in the watter of Nith.

Act anent the Commissioners fies in the Shire of Dumfreis.

Act anent the Lord of Belhaven.

Act declaring the Sugar-works at Glafgow to be a Manufactury.

Act declaring the Woolen-work of the Searge, called Searge de Neim, and others Stuffs erected be James

Armour Younger, to be a Manufactury.

Act in favours of the Earl of Wintown, anent the disjunction of the Lands of Wintown, from Pencaitland, and annexing the fame to Tranent.

Act in favours of the faid Earl, for exeeming of his Coale, and Salt, from bearing any Publick burden, Protestation be the Laird of Ormestown against the same.

Act in favours of the Lady Lockhart, against her Son.

Act in favours of the Town of St. Andrewes, anent their stent, and stent Masters.

Commission for revising the Laws.

Act in favours of the Lord Lyon.

Act for Rectification of Valuations, and declaring that Coale, and Salt, is not to bear any part of the Supply. Act rescinding some Articles of the Regulation concerning Advocats, Clerks, and Writters.

Act authorizing His Majestie's privy Council to name and appoint Commissioners of Excise, or Supply in the feveral Shires.

Act in favours of the Town of Innerness, for exacting a small Custom, at the Bridge thereof. Act in favours of the Laird of Kinmundie, for exacting a small Custom, at the Bridge of Dee.

Act in favours of the Marquess of Athole, for exacting a small Custom, at the Bridge of Almond.

Act in favours of the Earl of Marr, for exacting a small Custom, at the Bridge of Tillibody. Act in favours of the Litsters of Edinburgh.

Warrand to the Laird of Hoptour for changing a high way, at the Town of Winchburgh.

Act in favours of the Earle of Queensberry, for disjoyning the Lands of Palvadock, from the Stewartry of Kirkcudbrugh, and annexing the same to the Shire of Dumfreis.

Act in favours of Mungo Graham of Gorthy.

Protection to Master William Dick, and Sir Andrew Dick.

Recommendation to the Council, in favours of the Town of Dalkeith, anent their Bridge.

Recommendation to the Council, in favours of the Lady Comistours.

Reference to the Council anent the Earles of Caithness, and Broad-Albain.

Reference to the Council anent the Towns of Anstruther-Wester, Kilrainy, Cromarty, and Others.

Recommendation in favours of the Lady Bogie.
Ratification in favours of the Duke of Lennox and Richmond.

Protestation Sir John Cochran, in name of the Earl of Dundonald, against the same.

Protestation Sir John Cuningham, in name of the Lady of Obryan, against the said Ratification.

Protestation

Protestation His Majesties Advocat, against the saids two Protestations. Ratification in favours of the Marquess of Athole. Ratification in favours of the Marquels of Montrole. Protestation the Earle of Airth, against the same.
Ratification in favours of the Earl of Argyle.
Protestation by the Earl of Arrol, against the same. Ratification in favours of the Earl of Perth. Protestation by the Marquess of Athol, against the same. Ratification in favours of the Viscount of Stormount. Ratification in favours of Sir Alexander Seton, of Pitmeddin. Ratification in favours of Sir Roger Hog, of Harcars. Ratification in favours of Sir George Gordon, of Haddo. Ratification in favours of Sir William Sharp. Ratification in favours of Master Alexander Gibson. Ratification in favours of Master Alexander Mackeinzie, of Garlearch. Ratification in favours of Andrew Spalding, of Ashintullie. Protestation the Marquess of Athol, against it. Ratification in favours of David Drumond, of Cultmalindie. Ratification in favours of Sir Donald Baine, of Tulloch. Ratification in favours of the Hatmakers, and Walkers of Edinburgh, Ratification in favours of Master Roderick Mackeinzie, of Findone. Ratification in favours of William Duff. Ratification in favours of the Laird of Balbouffie. Ratification in favours of Robert Pringle, of Cliftoun. Ratification in favours of Sir William Ker, of Greinhead. Ratification in favours of George Dollas, of St. Martines.
Ratification in favours of Sir Archbald Cockburn, of Langton. Ratification in favours of the Poor of the Town of Chanrie of Ross. Ratification in favours of Patrick Smith, of Braco. Ratification in favours of Master John Omey.
Ratification in favours of Master Thomas Skeen Advocat. Ratification in favours of David Oliphant of Cultengubar. Ratification in favours of Master James Murray, Minister at Logi-rait. Ratification in favours of William Colquboun, of Craigtoun. Ratification in favours of Robert Boyd, of Portoun-cross. Ratification in favours of Coline Campbel, of Ormadil. Ratification in favours of Master Alexander Forbes, of Foveran. Ratification in favours of Richard Elphingstown, of Airth. Ratification in favours of The Lord Pitsligo. Ratification in favours of the Laird of Skeen. Ratification in favours of Francis Dugat, of Auchinbive. Ratification in favours of the Laird of Streichin. Ratification in favours of the Laird of Ballogie. Ratification in tayours of Master James Elphingstown, Writer to the Signet, Two Ratifications in favours of John Graham, of Claverhous. Ratification in favours of Master James Carnegie.
Ratification in favours of Master Patrick Kier. Ratification in favours of Anthony Murray, of Dullarie.
Ratification in favours of John Brown, of Gorgy-milne.
Ratification in favours of Master Iames Brand, of Babertoun. Ratification in favours of Lieutennent Collonel Mayn, Major Ogilthorp, and Captain Cornwal. Ratification in favours of Master Thomas Innes, and lames Calder, of Muirtoun, Ratification in favours of the faid Iames Calder. Ratification in favours of the Laird of Moncreiff. Ratification in favours of Mistress Griffel Mercer, Lady Aldie. Ratification in favours of the Marquels of Huntlie. Ratification in favours of Sir Charles Maitland, of Pitrichie. Protestation the Town of Aberdeen, against the same. Ratification in favours of the Incorporation of the Hammer-men of Edinburgh;

Ratification in favours of the Earl of Dumfreis, and Lord Crichtoun.

Ratification in favours of Sir Iames Dalrymple of Stair, President of the Session.

Protestation by the Town of Dundee, against it. Ratification in favours of Mungo Halden, of Glenegies.

Ratification in favours of Walter Riddel, of Minto.

Ratification in favours of George Gordoun, of Boigs of Dalrey. Ratification in favours of Sir John Schaw, of Greenock.

Ratification in favours of the Earle of Arrol.

Ratification in favours of the Earle of Queensberrie.

Ratification in favours of the Lord Rollo.

Two Ratifications in favours of Sir George Mackeinzie, of Rosehauch, Lord Advocat.

Two Ratifications in favours of Sir George Mackeinzie, of Tarbet, and Others. Ratification in favours of Sir David Balfour, of Forret.

Ratification in favours of The Lord Register.

Ratification in favours of Collonel James Douglas.

Ratification in favours of Sir William Paterson, and Master Patrick Meinzies, Clerks to His Majesties Privy Council.

Ratification in favours of His Majesties Smiths, Mason, &c.

Ratification in favours of William Craik, of Arbigland.

Ratification in favours of Robert Ferguson, of Craigdarroch.

Ratification in favours of the Incorporation of the Weavers of Glasgow.

Ratification in favours of the Burgh of Aberdeen.

Protestation Sir Alexander Seton, of Pitmeddin, in name of the Shire, against it.

Ratification in favours of Robert Hamiltoun, of Presminen.

Ratification in favours of John Johnstoun, of Elshisheils. Ratification in favours of James Carnegie, of Balnamoon. Ratification in favours of Sir Patrick Houstoun, of that Ilk.

Ratification in favours of William Hamiltoun, of Orbiftoun.

Ratification in favours of Sir Patrick Ogilvie, of Boyn.

Ratification in favours of some Trades in Dunbarton.

Ratification in favours of Robert Milne, of Barntoun.

Ratification in favours of William Gordown, Sherriff-Clerk of Aberdeen.

Ratification in favours of Laurence Oliphant, Clerk to the Admission of Nottars.

Ratification in favours of the Incorporation, of the Fleshers of Edinburgh.

Ratification in favours of Ninian Bannatine, of Kaims.

Ratification in favours of the Earle of Roxburgh, and Others. Ratification in favours of John Hamiltoun, of Combardie. Ratification in favours of The Lord Elphingstoun. Ratification in favours of The Burgh of Glasgow.

Ratification in favours of Sir William Purves.

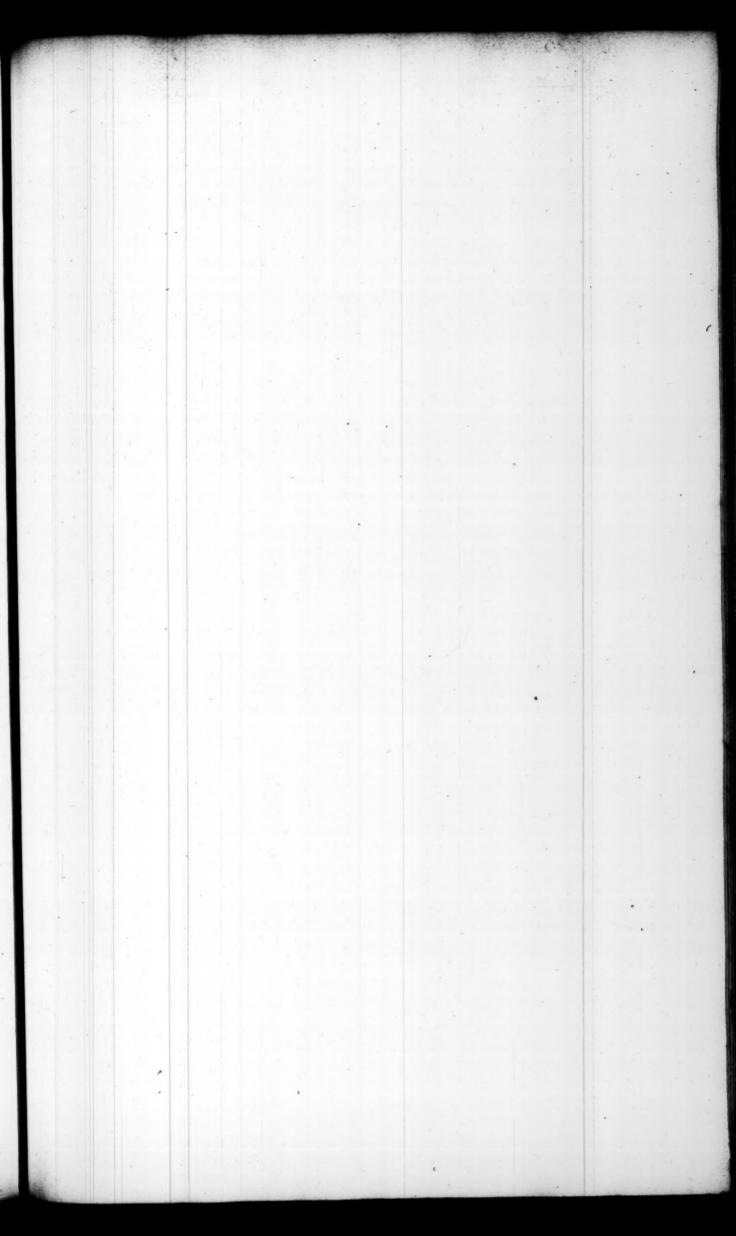
Ratification of several Acts, and Decreets of His Majesties Privy Council, anent the new buildings, at the entry to the Parliament-House.

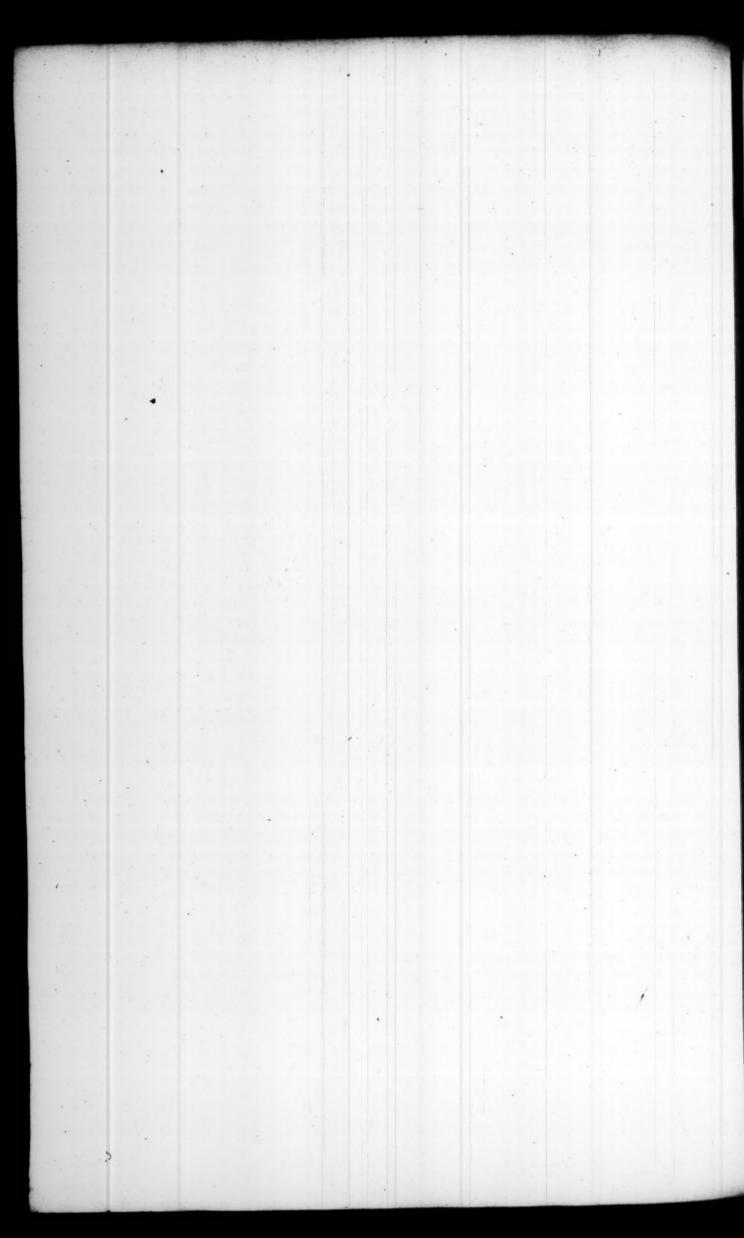
Ratification in favours of Sir Charles Halket, of Pitfirren.

Ratification in favours of The Lord Nairn.

Ratification in favours of Iames Seton, of Touch.

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Of the CONVENTION of

E

Of the Kingdom of SCOTLAND,

By a noble Lord, John Earl of Rothes, Lord Lefly and Bambreith, &c. His MAJESTIES Commissioner:

For a free and voluntar offer of a TAXATION to His MAJESTY.

At Edinburgh, the fourth day of August, 1665.

HE Estates of the Kingdom of Scotland, conveened at this time by His Majesties special Authority and Command, Taking to their consideration the great bleflings this His Majesties antient Kingdom doth now enjoy under His Royal Govern-ment, being thereby delivered from all the miseries and bondage that do accompany the Iron Rod of an Infolent Usurpation, and possessed of all the Liberties and Priviledges of a free People, living under the Royal Scepter of their lawfull Prince, and that, by a full and free exercise of their Religion, with all suitable encourage. ments thereunto, by an equal and due administration of Justice, and peaceable and fecure enjoyment of their Laws. Rights and Properties: Do find themselves oblieged in conscience, honour and gratitude, to embrace every occasion, where-

by they may witness to the world their just resentments thereof, and their readiness to contribute their lives and fortunes for the maintaining and advancing of His Majesties Royal Authority, Power and Greatness; under the protection whereof, the Peace, Freedom and Interest of this Kingdom and Subjects thereof, is, and can only be, fecured. And understanding, that His Sacred Majesty is now engaged in a War with the Inhabitants of the United Provinces, for the maintenance of His own Honour, and the Peace and Trade of His Kingdoms, and that thereby a new opportunity is offered to them to make good their professions of their zeal and affection to His Majesties service. Therefore, the Estates of the Kingdom, in a due sense of His Majesties Honour and Interest, and of their own duty, Do, with humble, loyal and cheerful hearts, for themselves, and in name of the whole Kingdom, whom they do represent, make humble and free tender to His Majesty of a Taxation, which they do humbly beseech His Majesty would be graciously pleased to accept of, and which is to be payed in manner, and at the terms following;

That is to fay, the Dukes, Marquesses, Earls, Viscounts, Lords, and Commissioners of Shires, for the Temporal Estate, Have granted, that there shall be uplifted of every Pound-land of old extent within this Kingdom, pertaining to Dukes, Marquesses, Earls, Viscounts, Lords, Barrons and Free-holders, and Fewers of His Majesties proper Lands, the sum of sourty shillings money, at every one of the five terms sollowing, viz. The sum of sourty shillings at the term of Whitsonday, in the year of GOD, one thousand, six hundred, sixty six years; The sum of other sourty shillings at the term of Whitsonday, one thousand, six hundred, sixty seven years; The sum of other sourty shillings at the term of Whitsonday, one thousand, six hundred, sixty seven years;

fand, fix hundred, fixty eight years; The fum of other fourty shillings at the term of Whitsonday, one thousand, fix hundred, fixty nine years; And the sum of other fourty shillings at the term of Whitsonday, one thousand, fix hundred, seventy years, being the last term. And the Archbishops and Bishops, for the Spiritual Estate, Have granted, that there shall be uplifted of all Archbishopricks, Bishopricks, Abbacies, Priories, and other inferiour Benefices within this Kingdom, at every one of the five terms above-specified, the just Taxation thereof proportionally, according to the sum of fourty shillings money, now imposed upon the Pound-land, as they have been accustomed to be taxed unto in all time by gone, when the Temporal Lands of this Kingdom were stinted only to thirty shillings the Pound-land of old extent, with the addition of a fourth part more: And the same Taxation to be payed at every one of the five terms above specified. And the Commissioners of Burghs, for their Estate, Have granted, that there shall be uplisted of all the Burghs of this Kingdom, at every one of the five termes above-specified, the just Taxation thereof proportionally, according to the fum of fourty shillings money now imposed upon the Pound-land, as they have been accustomed to be taxed unto in all time by gone, when the Temporal Lands of this Kingdom were stinted only to thirty shillings the Pound-land of old extent, with the addition of a fourth part more, to be payed at the respective terms above-written. And in regard, that His Majesty hath erected fundry Prelacies, and Temporal Lordships, whereby the owners theree f may claim to be taxed with the Barrons of the Temporal Estate, and thereby His Majesty would be defrauded of a great part of the said Taxation: Therefore the faids Estates Ordain, that all erections of Prelacies and other small Benefices, in whole or in part, in Temporal Lordihips, shall, in payment of the said Taxation, pay to the Collector thereof, so much of the same Taxation (pro rata) as if they were no wayes erected, and as they were subject to do before the erection of the same. And sicklike, it is Statute and Ordained, that all dissolved Benefices within this Kingdom, in whole or in part, shall be subject in payment of so much of the same Taxation (pro rata) as they would have been subject to pay though the same had not been dissolved: And that those parties, who have gotten any part or portion of any Prelacies, or other inferiour Benefices, disfolved, and new Securities made unto them by His Majesty, of that part and portion thereof so dissolved, shall be subject in payment of the Taxation thereof to the Prelat or other beneficed Person, for his relief of the same Taxation, as they would have been so the same had not been dissolved; notwithstanding of any condition contained in the Infestments and Securities made by His Majesty to them in the contrary thereof.

And further, His Majesty, with advice and consent of the said Estates, Declares, that the Lands and Teinds, belonging in property to the ordinary Lords of the Session, the Advocats, Clerks, Writers to the Signet, and other Members of the Colledge of Justice, and all few duties payable to them out of the Lands whereof they are Superiours; all Benefices given, disponed and mortified, for entertainment of Universities, Colledges, Schools or Hospitals (the Vassals holding of the saids ordinary Lords of the Session, and other Members of the Colledge of Justice, and of the faid Universities, Colledges, Schools and Hospitals, being alwayes lyable in payment of this Taxation, for their Lands so holden, as others of His Majesties Subjects) all modified Stipends, and Vicarages where they are a part of the faid modified Stipend; all Parfonages, Vicarages belonging to Ministers serving the Cure, where the said Parsonages and Vicarages do not exceed the value appointed by the Acts of Parliament for a modified Stipend, are, and shall be free from payment of any part of this present Taxation; And discharges and disannuls all Priviledges and Immunities, whereby any person may conceive himself tree of the payment of any part of this present Taxation, except as above excepted. And Ordains the faids Senators of the Colledge of Justice, and other Members thereof, and the persons, in whose favours any Lands, Teinds or Superiorities have been given, disponed and mortified, for entertainment of Universities, Colledges, Schools or Hospitals, to send in to the Collector-general of the Taxation, or Clerk thereof, a note under their hands, threescore dayes before the first terms payment of this Taxation, of the Lands, Teinds, and Few-duties belonging to them, as faid is, within what Shire they lie; and if they be Kirk-lands, what Benefice they hold of. And also Ordains, the Archbishops and Bishops, to fend in to the faid Collector or Clerk, betwixt and the time forefaid, a note under their hands, of the Parsonages and Vicarages belonging to Ministers serving the Cure within their respective Diocesses, which do

not exceed the proportion allowed by the Acts of Parliament for a modified Stipend.

And for the more speedy and effectual in-bringing of the Spiritual Mens part of this said Taxation, Ordains Letters to be directed as formerly, charging all and sundry Archbishops and Bishops, Abbots, Priors; as likewayes all Noblemen and others, in whose favours the erection of any Prelacy or other inferiour Benefice, or any part or portion thereof, be it in Lands, Kirks or Teinds, or in whose favours the Patronage of any Benefice, Kirks or Teinds, are past; And all other beneficed Persons contained in the taxed Rols, their heretable Baillies, Chamberlains, Factors and Intrometters with their Rents and Livings, personally or at their dwelling places, and by open Proclamation at the Mercat-Cross of the head Burghs of the Sheristdoms, Stewartries and Bailleries, where the said Prelacies, erected Lordships, and small Benefices lyes, if they be within this Kingdom: And if they be without the Kingdom, by open Proclamation, at the Mercat-Cross of Edinburgh, Peir and Shore of Leith, upon threescore dayes warning, to make payment of that sum, that they, and ilk one of them, are taxed unto, for every one of the saids five terms, to the Collector-general of the said Taxation, appointed, or to be appointed by His Majesty, or His Deputies and Officers in His Name, having His Power and Commission to receive the same, at the particular terms above-written, under

the pain of Rebellion, and putting of them to the Horn, and if they failzie therein at the by-passing of every one of the faid terms, to denounce the disobeyers Rebels, and put them to the Horn, and to Escheat, &c. And that the Prelats and beneficed Persons, and such Noblemen and others, in whose favours the Erections and Patronages above-written are past, for their relief have Letters as formerly, charging their Vassals, Subvassals, Ladies of Terce, Conjunct-fiars, Life-renters, Proper-wod-setters, who are not accountable for the superplus of the Rents, Fewers, Tacksmen and Pensioners, to make payment of their part of the said Taxation, ilk one of them, (prorata) according to the fum they shall be taxed unto, to the saids Prelats, and other beneficed Persons, and to the said Noblemen and others having power to receive the same, within twenty dayes next after the Charge, under the pain of Rebellion, &c. And if they sailzie, &c. to denounce, &c. and escheat, &c. and to poynd and distreinzie therefore, as they should think most expendence. dient: Providing alwayes, That the first termes payment of the faid Taxation be ever past, before the next termes payment be charged for. And the Estates Declares, That the production of sufficient Hornings against the said Vassals, Fewers, Tacksmen and Pensioners, shall be a relief to the saids Prelats, Lords of Erections and beneficed Persons; and shall exoner them (protanto) from payment of the said Taxation: Providing, That the same Hornings, with their Taxt Rols authentickly made and subscribed by the said Prelats, Lords of Erections and other beneficed Persons, and by their Fewers, Vassals, Tacks-men and Pensioners, in manner hereaster prescribed, containing the particular sum which each one of them are taxed unto; be delivered to the Collector of the same Taxation, within the space of threescore dayes after every terme: otherwayes, he shall be no wayes obligged to receive the same, neither shall the Prelat, Lord of

Erection nor beneficed Person, be exonered by production of the same at any time thereafter.

And surther, that the said Prelats, and such Noblemen and others, in whose favours the Erections and Patronages above-written are past, and all other beneficed persons, may have their relief of their Vassals, Sub-vassals, Ladies of Terce, Conjunct-fiars, Life-renters, Fewers, Wodsetters foresaid. Tacksmen and Pensioners, to the greater ease and less trouble to the said Vassals and others foresaid: And to the effect, that every one proportionally may pay his part of the faid Taxation, according to the quantity and avail of the free Rent which he hath of his Benefice, Lands, Penfions, Kirks, and Teind-theaves pertaining to him, as well Prelat, Lord of Erection, Patron and other beneficed Persons themselves, as the Fewer, Tackf-man and Penfioner; It is thought Expedient, Statute and Ordained, That the faid Prelats and others above-rehearfed, every one of them severally, shall conveen his whole Fewers, Vassals, Tacks-men and Pensioners, at the particular places hereaster designed: They are to say, The Archbishop of St. Andrews at the City of St. Andrews, the Archbishop of Glasgow at the City of Glasgow, the Bishop of Edinburgh at the City of Edinburgh, the Bishop of Orknay at the Town of Kirkwall, the Bishop of Caithness at the Town of Durnock, the Bishop of Ross at the Town of Chanry of Ross, the Bishop of Murray at the Town of Elgin, the Bishop of Aberdeen at the Burgh of Aberdeen, the Bishop of Brichen at the Burgh of Brichen, the Bishop of Dunkell at the Town of Dunkell, the Bishop of Dumblam at the Town of Dumblain, the Bishop of Galloway, at the Town of Wigtoun, the Bishop of Argyl at the Town of Innerary, the Bishop of the Isles at the Burgh of Rothesay in Bute, the Abbot of Icolmkill at the Burgh of Rothesay, the Prior of Ardchatton at the Burgh of Rothesay, the Abbot of Fairn at the Burgh of Tayn, the Lord Beuley at the Burgh of Innerness, the Lord of Kinloss at the Burgh of Forres, the Prior of Pluscarden at the Burgh of Elgin, the Lord of Dier at the Town of Peterbead, the Prior of Frey at the Town of Turrif, the Prior of Monymusk at the Town of Monymusk, the heretable Baily of the Lordship of Arbroth at the Burgh of Arbroth, the Lord of Scoon at the Burgh of Perth, the Lord Cowper at the Town of Cowper in Angus, the Prior of Restemeth at the Burgh of Forfar, the Collector of this present Taxation in place of the Priors of Charterhouse, the Seat now vacand, at the Burgh of Perth, and the like in other cases where any Seats are vacand, at the places appointed by this present Act; the Prior of Elcho at the Burgh of Perth, the Prior of Straphilland at the Kirk of Comry, the Lord of Inchaffray at the Burgh of Perth, the Prior of Inchmachomo at the Burgh of Sterling, the Baily of the Regality of Dumfermling at the Burgh of Dumfermling, the Lord of Balmerinoch at the Burgh of Cowper in Fife, the Lord Lyndoris at the Burgh of Cowper in Fife, the Mafters of St. Leonards Colledge in St. Andrews for the Priory of Portmock at the Burgh of Cowper in Fife, the Prior of Petterweym at the Burgh of Petterweym, the Lord of St. Colmb at the Burgh of Innerkeithing, the Lord of Culross at the Burgh of Culross, the Abbot of Cambuskenneth at the Burgh of Stirling, the Lord Torphichan at the Burgh of Linlithgow, the Prior of Manwell at the Burgh of Linlithgow, the Lord Newbottle at the City of Edinburgh, the Prioress of Haddingtown at the Burgh of Haddingtown, the Lord of the Temporal Lands of the Priory of North-berwick at the Burgh of North-berwick, the Patron and Parlon of the Kirk of Kilconchar, dissolved from the Priory of North berwick, at the Town of Ely; the Patron and Parson of the Kirk of Largo, dissolved from North-berwick, at the Town of Largo; the Patron and Parfon of the Kirk of Mayboll, dissolved from North-berwick, at the Town of Mayboll; the Patron and Parson of the Kirk of Logie, dissolved from North-berwick, at the Burgh of Stirling; the Lord of Kelse at the Town of Kelfo, the Lord of Coldingham at the Town of Eymouth, the Lord of Dryburgh at the Town of Dryburgh, the Prior of Eccles at the Town of Dunce, the Prior of Coldstream at the Town of Dunce, the Lord of Jedburgh at the Burgh of Jedburgh, the Lord Metrose at the Town of Metrose, the Lord of Paislay at the Town of Paislay, the Lord Blantyre at the City of Glasgow, the Lord and Baily of the Temporal Land of Kilwinning, dissolved from the Abbacy of Kilwinning, at the Burgh of Irwing; the Abbot of Corfs-Ragwel, at the Town of Mayboll, the Prior of Whithorn at the Burgh of Whithorn, the Abbot of Saulset at the Burgh of Whithorn, the Prior of St. Mary-Isle at the Burgh of Kirkcudburgh, the Lord of Dundrennand at the Burgh of Kirkcudburgh, the Lord of Glenluss at the Burgh of Wigtoun, the Abbot of Tungland at the Burgh of Wigtoun, the Abbot of New-abbay at the City of Edinburgh, the Abbot of Holy-wood at the Burgh of Dunfries, the Prior of Canaby at the Burgh of Annan, the Barron and Baily of the Barrony of Broughtoun, dissolved from the Lordship of Holy-rud-house, at the City of Edinburgh; the Heretors of the hundred Pound-land of the Barrony of Munkland, dissolved from the Lordship of New-botle, at the City of Glasgow; the Minister of Felsord at the Burgh of Air, the Minister of Scotlandwell at the City of St. Andrews, the Minister of the Cross Kirk of Peebles at the Burgh of Dundee; And all other beneficed Persons at the Paroch Kirks of their particular Benefices: and that they conveen to the effect above-written, upon the twenty fifth day of October, in this present year of God, one thousand, fix hundred, sixty five years, which is declared to be the precise day appointed for all their Vassals, Fewers, Tacks-men and Pensioners to keep the said Meeting; and that no turther citation of summoning shall be requisit, then this Proclamation, and publication of this present Act at the Mercat-crosses of the head Burghs of this Kingdom.

As also it is Declared by His Majesty and His said Estates, That if any Vassals, Sub-Vassals, Fewers, Tacksmen of Teinds, Pensioners, or any other Justly bound to make relief to Prelat, Lord of Erection, Patron or other beneficed person, of any part of the said Taxation, shall send any Procurator in his name sufficiently authorized to the said Meeting; the same shall not only excuse the principal Parties absence, but the Procurators shall be admitted in all things, and received to do and persorm in the distribution of the said Taxation, what could, or lawfully might, have been done by him who sent him. It is likewayes Declared, that the Prelat, Lord of Erection, Patron, or other beneficed Person, impeded by disease, or diverted upon some other necessary occasions, from attending that Meeting, having his absence supplyed that day by a sufficient worthy person, whom he shall authorize and appoint to that effect, shall be as lawfull as if he were personally present himself; and the party so authorized shall be admitted and received in all things, to do and persorm in the distribution of the same Taxation, what could, or lawfully might, have been done by him

who fent him.

It is further Statute and Ordained, That at the faid day of Meeting, the faids Prelats, Lords of Erection, Patrons and other beneficed Perfons, shall by themselves, or by their Procurators, lawfully authorized as said is, fence and hold Court, call by name and furname upon every one of their Vassals, Sub-vassals, proper Woodsetters, Fewers, Tacks-men of Teinds, Pensioners and others obligged to relieve them of any part of the same Taxation, and lawful time of day being bidden, to flew to their faid Vaffals, Fewers, Tackf-men and Penfioners, or their procurators compearing for them, the quantity of the Taxation imposed upon their Prelacy, erected Lordship or other Benefice, authentickly subscribed by the Clerk of the same Taxation; and they all (at the least so many of them as shall conveen for that effect, with consent of the most part) shall distribute the same, to be payed by every man, as well as by the Prelate, Lord of Erection and present possessors of smal Benefice, for the free rent that every one of them hath of their Prelacies, erected Lordships and small Benefices, as by the Vassal, Fewer, Tacks-man and pensioner, according to the great and small quantity of the free Rent which every one of them hath either of their Lands, Teinds or Pensions: With certification to any of the faids persons, Fewars, Vasials, Tacks-men and pensioners, that compear not by themselves or their Procurators, at the day and place above-specified, to the effect foresaid; that such as shall conveen with the faids Prelats, Lords of Erection, Patrons or other beneficed Persons, or their Procurators, shall proceed in the equal distribution of the same Taxation, as well amongst them that are absent, as prefent; and shall make and subscribe an authentick Taxt-roll thereupon; The Teinds valued since the year, one thousand, six hundred, twenty seven years, being stinted and estimat without respect to the said Valuations, ficklike, and in the same manner, with the addition of a fourth part, as they were for the Taxation granted in the year, one thousand, fix hundred, thirty three years, and to be taxed accordingly. And in case that none of the saids Vassals, Fewers, Tacks-men and Pensioners, shall conveen at the day and place above-specified, to this effect, by themselves or their Procurators, but shall wilfully absent themselves from the faid meeting; it shall be lawful for the faids Prelats, Lords of Erection, Patrons and other beneficed persons, being present by themselves or their Procurators, at the day and place above-specified, to make, fet down and subscribe the same Taxt-roll; And in case any of the saids Prelats, Lords of Erection, Patrons or other beneficed persons, shall not conveen by themselves or their Procurators at the day and place abovespecified, particularly designed to every one of them; it shall be lawful for the saids Vassals, Fewers, Tacksmen and Pensioners, at the least so many of them as shall conveen by themselves or their Procurators, to make, fet down and fubscribe the faid Taxt-roll; which Taxt-roll shall contain the particular sum that every one shall be found justly to be addebted to pay, the parties name addebted to pay the same, and the cause wherefore the same ought to be payed. And being so set down, either by the Prelat, Lord of Erection, Patron and other beneficed person, or their lawfull Procurators, with so many of their Vassals, Sub-vassals, Fewers. Tackf-men of Teinds, Penfioners and others obligged to relieve them of any part of the fame Taxabeing then set down by the Prelat, Lord of Erection, Patron or other beneficed Person, or their lawful Procurators, or in case of their absence, being set down, made and subscribed by the most part of the said Vassals, Fewers, Tacks men and Pensioners, by themselves or their Procurators, as shall conveen themselves for this effect; His Majesty and the saids Estates Declares to be as lawfull in all respects, as if the whole number of persons having interest therein had conveened, made, set down and subscribed the same; which Taxt-roll being so set down, made and subscribed in manner above-written (and no otherwayes) and delivered to the Clerk of the Taxation; His Majesty and the said Estates, Ordains him to give warrand for giving of Letters of relief thereupon; discharging him, in any case, to give warrand for giving of Letters of relief upon any Roll presented to him, not made and authentickly subscribed in form above-written, as he will an-

fwer to the contrary upon his perill.

It is likewise Statute and Ordained, That Tacks-men of Teinds shall have their relief of their Sub-tacks-men, protanto; respect being had to the gressum payed by the said Sub-tacks-men. And in regard that divers Kirks have been of new erected, and several augmentations of Ministers Stipends granted since the year, one thousand, fix hundred, twenty seven years, to the diminution of the Spirituality: It is therefore Statute and Ordained, That where Kirks have been of new erected, or any augmentations of Ministers Stipends granted since the time foresaid, out of the Teinds belonging to Archbishops, Bishops, or other beneficed Persons, or to any Nobleman or other, in whose savours the Erection of any Prelacy, or other inferiour Benefice, in whose or in part, has been made and past, the Collector of the Taxation shall allow and deduce to the saids Archbishops, Bishops, or any other beneficed Persons, or Nobleman and other Persons, out of whose Teinds the Stipends of the new erected Kirks, and the foresaids augmentations have been granted, and who have gotten no prorogation in recompence thereof, such a proportion of the said Taxation as shall be effeirand to the proportion of the faid Stipend or Augmentation granted out of their Teinds: Which Stipend & Augmentation, what the same amounts to, shall be attested by the Bishop of the Dioces; Providing, that the whole Teinds of the saids Benefices be stinted proportionally, as they were for the Taxation granted

in the year, one thousand, fix hundred, thirty three years, with a fourth part more.

And for in-bringing of the Barrons and Free-holders part of the fame Taxation, and of the Fewers & Renttellers of our Soveraign Lords proper Lands, their part thereof; Ordains Letters to be directed as formerly; charging all and fundry Sheriffs, Stewarts, Baillies, their Deputies, Clerks, Fewers, Chamberlains, and Receivers of our Soveraign Lords proper Lands; That they, and every one of them, within the Bounds of of their proper Offices, raife and uplift the fum of fourty shillings money of this Realm, of every Pound-land of old extent, lying within the bounds of their Jurisdictions, for every one of the saids five terms above spedified, and in-bring and deliver the same to the Collector foresaid, or to his Deputies and Officers in his name, having his power to receive the fame, at the particular terms above specified, under the pain of Rebellion, &c. And if they failzie, at the by-passing of every one of the said terms, to denounce & escheat, &c. And Declares, That no Priviledge or Immunity shall be of any force to stop the execution of the Law against them upon the premisses; And for their relief, that Letters be directed as said is, charging all and fundry Dukes, Marquesses, Earls, Viscounts, Lords, Barrons, Free-holders, Fewers, and Rent-tellers of Our Soveraign Lords proper Lands, personally, or at their dwelling places, and by open Proclamation at the Mercat-cross of the head Burgh of the Sheriffdom, Stewartrie or Bailiery where their Lands lye, if they be within the Kingdom: And if they be without the Kingdom, by open Proclamation at the Mercat-crofs of Edinburgh, Peir and Shore of Leith, upon threescore dayes warning, to make payment to the said Sheriffs, Stewarts, Baillies, their Deputies and Clerks, Chamberlains and Receivers of our Soveraign Lords proper Lands, every one of them for their own parts respective, of the said sum of fourty shillings money foresaid, for every Pound-land of old extent pertaining to them. for every one of the faid five terms payment, within twenty dayes next after they be charged thereto, under the pain of Rebellion, &c. And if they failzie, &c. to denounce and escheat, &c. And if need be, That the saids Sheriffs, Stewarts, Baillies, their Deputies and Clerks, Chamberlains and Receivers of our Soveraign Lords proper Lands, poynd and distrenzie the readiest Goods and Gear, being upon the faids Lands, therefore, as they shall think most expedient. And that the faids Noblemen, Barrons and Free-holders, Fewers and Rent-tellers of our Soveraign Lords proper Lands, have Letters for their relief, as faid is, to charge their Vassals, Sub-vassals, Ladies of Terce, Conjunctiars, Proper-wodsetters and Life-renters, to make payment of their parts of the said Taxation, within twenty dayes next after the charge, under the pain of Rebellion, &c. and if they failzie, &c. to denounce, &c. and escheat, &c. And if need be, that they poynd and distreinzie therefore: Providing alwayes, that the first terms payment of the faid Taxation be ever past before the next term be charged for.

And also Declares, That where any Goods are poynded within any of the Isles of this Kingdom, for payment of any part of this Taxation, the apprising of the saids Goods, at the Paroch Kirk of the Lands where they were poynded, shall be as valid and sufficient, as if they were apprised at the head Burgh of the Shire. And in case any person, lyable in payment of the Taxation, within the Shires of Innerness, Ross, Argyl, Caithness, Sutherland, Orkney and Zetland, shall not make payment of the respective sums due by them, within twenty dayes after they are denounced, then to be further lyable in payment of the double of the sums due, and all execution to pass against them therefore: And recommends to the Lords of His Majesties

Privy Council, to take such further course for in-bringing of the Taxation, payable out of the fore-named

Shires, as they shall think fit.

Likeas, His Majesty, taking to His gracious consideration the grievance represented to His Highness, by divers of His Subjects, within the Shires of Lanerick, Air, Ransrew, Dumbartoun, Bute, Argyl, Wigtoun, Dumfries and Peebles, anent the high extent of their Retours, Doth, with consent of His said Estates, Declare, That as to the present Taxation, the Pound-lands of the whole Temporal Lands within the saids Shires of Lanerick, Air, Ransrew, Dumbartoun, Bute, Argyl, Wigtoun, Dumfries and Peebles, with the Stewartries and Baillierics lying within the same, shall only be taxed and pay as if they were Merk lands: But that the said Retours shall stand and pay as formerly, to all other intents and pur-

pofes.

And for in bringing of the Burroughs part of the same Taxation, Ordains Letters to be directed, charging the Provost and Baillies of ilk Burgh to make payment of the Taxt and Stent thereof to the Collector-general aforesaid, his Deputies and Officers in his name, having his power to receive the same, at the particular terms above specified, under the pain of Rebellion, &c. And if they failzie, &c. to denounce and escheat, &c. And for their relief, that Letters be directed, charging the Provost, Baillies and Council within each Burgh to conveen, and elect certain persons to stint their neighbours: And the said election being made, to charge the persons elected, to accept the charge upon them in setting of the said stint upon the Burgesses and Inhabitants of every Burgh, and to conveen and fet the same, and make a Stint-roll thereupon as effeirs, within twenty four hours next after their charge, under the pain of Rebellion, &c. And if they failzie, &c. to denounce and escheat, &c. And sicklike, the said Stint-roll being made and set down, as said is, to charge the Burgesses, In-dwellers and Inhabitants within ilk Burgh, to make payment of their part of the faid Stint to the faid Provost and Baillies, conform to the Taxt-roll to be given out thereupon, within three dayes next after the charge, under the pain of Rebellion, &c. And if they failzie, &c. to denounce and escheat, &c. And if need be, that the said Provost and Baillies, poynd and distreinzie therefore, as they shall think most expedient. It is alwayes provided, that no person whatsoever be stinred or taxed within Burgh, except according to the avail and quantity of his Rent, Living, Goods and Gear which he hath within Burgh; no wayes respecting his Lands nor Possessions which he hath to Land-ward, for the which he will be obliged to pay Taxation to other Officers: Providing alwayes, that the first terms payment of the faid Taxation be ever past before the next term be charged for.

Attour, His Majesty and the saids Estates, Decerns and Declares, That the charges to be given for payment of the said Taxation, shall be executed before the terms of payment above-specified, for every terms payment particularly by it self; and that the denounciation of the Horning, sollowing thereupon, shall not be executed untill the term of payment be bypast, and twenty dayes thereafter; Which denounciation so sollowing, upon the charges given before the saids terms of payment, His Majesty, with consent foresaid,

Decerns and Declares to be valid and sufficient.

And His Majesty, with consent of the said Estates, Ordains the Lords of Session to be only Judges to all Suspensions to be craved and suited by any of our Soveraign Lords Lieges touching the said Taxations: Which Suspensions, the saids Estates sind may be granted, upon lawfull and equitable reasons to be considered by them; and discharges all other Judges within this Kingdom of granting of any Suspensions thereanent. With power to the saids Lords to delegat five at the least of their ordinary number, as they shall think

expedient, to fit, cognosce and decide the faid Suspensions in time of vacancy, if need be.

And lastly, The Kings Majesty, Declares, in favours of all His Subjects, lyable in payment of this Taxation, that they shall not be holden to produce their discharges or Receipts of the said Taxation, from, and after, the term of Whitsonday, one thousand, six hundred, seventy three years; unless where diligence hath been used by denounciations against them, before the elapsing of the said term of Whitsonday, one thousand, six hundred, seventy three years: And Ordains all Commissions granted to Sub-collectors, for up-lifting and in-bringing of the said Taxation, to be insert and registrat in the Books of Council and Session; And these presents to be printed and published at the Mercat-cross of Edinburgh and other places needfull, where-through none pretend ignorance of the same.



A C T

ESTATES

Of the Kingdom of SCOTLAND,

By a noble Lord, John Earl of Rothes, Lord Lefly and Bambreith, &c. His MAJESTIES Commissioner.

For a new and voluntar offer to His $\mathcal{M}A\mathcal{F}EST\mathcal{T}$, of seventy two thousand pounds Monethly, for the space of twelve Moneths.

At Edinburgh, the 23. day of January, 1667.

HE Estates of the Kingdom of Scotland, being by His Majesties Authority met together at this time, and taking to their consideration the great happiness this Kingdom doth enjoy under His Majesties Royal and Wise Government; with His Majesties Fatherly care and tendernesse for all the Concerns thereof, express in every instance wherein His Majesty could have the least opportunity to manifest the same: And especially, in so seasonably provyding for their security, by the Forces raised this last Summer by His Royal Command, and maintained hitherto at His own Charge; of whose courage, sidelity and usefulnesse this Kingdom hath had a recent and clear demonstration. And withall, understanding that His Majesty is still engaged in a just and necessary War; against so many powerful Ene-

had a recent and clear demonstration. And withall, understanding that His Majesty is still engaged in a jutt and necessary War; against so many powerful Enemies, who will probably endeavour the Invading of His Majesties Dominions: Do conceive themselves obliged in Conscience, Honour and Duty to provide all sutable remedies for desence of the Kingdom against all Forraign Invasion, and other Enemies whatsoever: And therefore the Convention of Estates for themselves, and as the Representatives of the Kingdom, do revive and renew all the former engagements of the late Parliament, and meeting of the Estates, for the tender of their lives and fortunes, for the maintenance of His Majesties Royal Greatness, Authority and Government in Church and State, as it is now afferted and established by the Laws of the Kingdom. And in order to the entertainment of these Forces, which have been by His Majesties care so seasonably raised for desence of the Kingdom, or shall hereaster be raised by His Majesties warrand; They do humbly be seech His Majesty may be graciously pleased to accept their unanimous, willing and chearful offer of a new supply of threescore and twelve thousand pounds Monethly, for the space of twelve Moneths, to commence from the first day of this current Moneth of January. And the Estates do declare, that this supply is over and above the former supplies of four hundred, and fourscore thousand pounds, granted by the late Parliament to His Majesty yearly, during His Lifetime: And the other supply of one hundred, and thirty three thousand pounds, granted by the late Parliament to His Majesty yearly, during His Lifetime: And the other supply of one hundred, and thirty three thousand pounds, granted by the late Convention yearly, for the space of five years: And which new supply of threescore twelve thousand pounds Monethly, is ordered to be raised and payed by the several Shires and Burghs of this Kingdom, according to the Valuations in the year of God, one thousand, fix hundred, and fixty, and at the proportion

The Sheriffdom of Edinburgh, the fum of three thousand, one hundred, eighty three pounds, and eight

The Sheriffdom of Haddington, the fum of two thousand, seven hundred, eighty two pounds, and six shillings.

The Sheriffdom of Berwick, the fum of two thousand, eight hundred, thirteen pounds, and one shilling The Sheriffdom of Roxburgh, the fum of three thousand, fix hundred, eighty fix pounds, seventeen shillings, and fix pennies.

The Sheriffdom of Selkirk, the fum of nine hundred, four pounds, and nine shillings.

The Scheriffdom of Peebles, the fum of one thousand, fourty two pounds, and eight shillings. The Sheriffdom of Lanerk, the fum of three thousand, ninety one pounds, and twelve shillings.

The Sheriffdom of Dumfreis, the fum of two thousand, seven hundred, twelve pounds, and seventeen

The Sheriffdom of Wigton, and Stew of Kirk, two thousand, six hundred, seventy nine pounds, and fix shillings.

The Sheriffdom of Air, the fum of three thousand, eight hundred, seventy pounds, and five shillings. The Sheriffdom of Dumbarton, the fum of seven hundred, fixty four pounds, and ten shillings.

The Sheriffdom of Bute, the fum of three hundred, eight pounds, eight shillings, and three pennies,

The Sheriffdom of Renfrew, the fum of one thousand, three hundred, fifty three pounds, and seven shillings.

The Sheriffdom of Striviling, the fum of one thousand, seven hundred, fifty four pounds, four shillings and fix pennies

The Sheriffdom of Linlithgow, the fum of one thousand, one hundred, fixty nine pounds, and eighteen shillings

The Sheriffdom of Perth, the fum of five thousand, thirty eight pounds, and fourteen shillings.

The Sheriffdom of Kincardine, the fum of nine hundred, eighty four pounds, and one shilling: The Sheriffdom of Aberdeen, the sum of four thousand, seventy seven pounds, and nineteen shillings. The Sheriffdom of Inverness and Ross, the sum of two thousand, five hundred, ninety pounds, and nineteen shillings, to be proportioned and divided betwixt them, according to the division, in the year, one thousand, six hundred, and sixty.

The Sheriffdom of Nairn, the sum of two hundred, seventy seven pounds, and sixteen shillings.

I he Sheriffdom of Cromarty, the fum of fixty eight pounds, and five shillings.

The Sheriffdom of Argyle, the fum of one thousand, nine hundred, fourty seven pounds, ten shillings, and

The Sheriffdom of Fife and Kinrofs, the fum of five thousand, one hundred, seventy two pounds. The Sheriffdom of Forfar, the fum of three thousand, two hundred, seventy three pounds, and fifteen

The Sheriffdom of Bamff, the fum of one thousand, one hundred, fifty pounds, and four shillings.

The Sheriffdom of Suther land, the fum of three hundred, thirty fix pounds.

The Sheriffdom of Caithness, the sum of five hundred, ninety nine pounds, and five shillings.

The Sheriffdom of Elgine, the fum of one thousand, fifty nine pounds, and five shillings.

The Sheriffdom of Orkney and Zetland, the fum of one thousand, eighty eight pounds, and ten shillings. The Sheriffdom of Clackmannan, the fum of three hundred, fifty two pounds, seven shillings, and three pennies.

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The City of Edinburgh, the fum of four thousand, three hundred, and twenty pounds.

The Burgh of Perth, the fum of four hundred, and eighty pounds. The Burgh of Dundee, the fum of eight hundred, and fourty pounds.

The Burgh of Aberdeen, the fum of eight hundred pounds.

The Burgh of Striviling, the fum of one hundred, thirty two pounds. The Burgh of Linlithgow, the fum of two hundred, and fixteen pounds. The City of S. Andrews, the fum of three hundred & twenty fix pounds. The City of Glasgow, the sum of seven hundred and eighty pounds.

The Burgh of Air, the fum of one hundred, fixty eight pounds.

The Burgh of Haddingtoun, the fum of two hundred, & fixteen pounds. The Burgh of Dysert, the sum of one hundred, fixty eight pounds.

The Burgh of Kirkaldy, the fum of two hundred, eighty eight pounds. The Burgh of Monross, the sum of two hundred, and fourty pounds. The Burgh of Cowper, the fum of one hundred, thirty two pounds.

The Burgh of Anstruther Easter, the sum of ninety fix pounds. The Burgh of Dumfreis, the fum of two hundred pounds.

The Burgh of Inverness, the sum of two hundred, fixty four pounds. The Burgh of Burnt-Island, the sum of one hundred, thirty two pounds. The Burgh of Innerkeithen, the fum of fixty pounds. The Burgh of Kinghorn, the fum of fifty four pounds. The Burgh of Brechen, the fum of seventy two pounds. The Burgh of Irwin, the fum of one hundred, and twenty pounds. The Burgh of *Iedburgh*, the fum of one hundred, and eight pounds. The Burgh of *Kirkcudbright*, the fum of ninety fix pounds. The Burgh of Wigton, the fum of eighty four pounds. The Burgh of Pettenweem, the fum of eighty pounds. The Burgh of Dumfermling, the sum of one hundred, and two pounds. The Burgh of Anstruther Wester, the sum of thirty six pounds. The Burgh of Selkirk, the fum of fourfcore pounds. The Burgh of Dumbarton, the fum of seventy two pounds.
The Burgh of Renfrew, the fum of source eight pounds. The Burgh of Dumbar, the fum of one hundred, thirty two pounds. The Burgh of Lanerk, the fum of seventy two pounds. The Burgh of Arbroth, the fum of fifty four pounds. The Burgh of Elgin, the fum of eighty pounds. The Burgh of Peebles, the fum of fixty pounds. The Burgh of Creel, the fum of one hundred, thirty two pounds. The Burgh of Tayne, the fum of fixty pounds. The Burgh of Culrofs, the fum of fifty four pounds. The Burgh of Bamff, the fum of fourty pounds. The Burgh of Whithorn, the fum of twenty four pounds. The Burgh of Forfar, the fum of twenty four pounds. The Burgh of Rothefay, the fum of thirty fix pounds.
The Burgh of Nairne, the fum of twenty four pounds,
The Burgh of Forras, the fum of thirty fix pounds. The Burgh of Rutherglen, the fum of twenty four pounds. The Burgh of North-berwick, the fum of twenty four pounds. The Burgh of Cullen, the fum of eighteen pounds. The Burgh of Lawder, the fum of fourty two pounds. The Burgh of Kintore, the fum of twelve pounds. The Burgh of Kilreny, the fum of eighteen pounds. The Burgh of Annan, the fum of twelve pounds. The Burgh of Lochmaben, the fum of twelve pounds. The Burgh of Sangubar, the fum of twelve pounds.
The Burgh of Galloway, the fum of fix pounds.
The Burgh of Dingwall, the fum of twelve pounds.
The Burgh of Dornoch, the fum of eighteen pounds. The Burgh of Queens-Ferry, the fum of fifty four pounds. The Burgh of Forterofe, the fum of thirty pounds.

The Burgh of Cromartie, the fum of thirty pounds.
The Burgh of Inverurie, the fum of eighteen pounds.

The Burgh of Weik, the fum of twenty pounds.

A ND that they pay in the same to such as His Majesty shall appoint, at the terms following; To wit, betwixt and the first day of May, for the Moneths of January, February and March; Betwixt and the first day of August, for the Moneths of April, May and June; Betwixt and the first day of November, for the Moneths of July, August and September; And betwixt and the first day of February, one thousand, six hundred fixty eight years, for the Moneths of October, November and December. And it is hereby Declared, That all persons having real Estates of Lands, Teinds, Annualrents due by Insestments, Fewduties, Tack-duties, and others of that nature, are, and shall be lyable to the foresaid supply, unless the granters of the saids Rights be oblidged to relieve the receivers thereof of publick Burdens, and all other Impositions of this nature. Excepting alwayes such real Rights and Insestments of Annualrents as are secured to the Creditors by their Debitors, for which they have only their ordinary Annualrent free, which are hereby declared not to be lyable to any part of this supply: Excepting also all Rents belonging to Colledges and Hospitals, providing this exemption of Colledges and Hospitals shall not burden the Shires for any Rent mortified to them fince the year, one thousand, six hundred, fifty six. And to the effect this supply so cheerfully offered to His Majesty by His good Subjects, may be equally and justly laid on, proportioned and raised upon all persons lyable, and who have any real Rent in Lands, Teinds, or otherwayes within the said

Shires and Burghs belonging to them; And that no person may have just reason to complain that they pay more then their just proportion. The Kings Majesty, with advice of His Estates, doth hereby nominat and appoint the Lords of His Majesties Privy Council, and the Senators of the Colledge of Justice within the several respective Shires where any part of their Lands and Fstates doth ly; And also the persons underwritten within the several Shires, to be Commissioners to the effect after specified, viz.

For the Sheriffdom of Edinburgh.

Lord Ramsay, Walter Lord Torphichan, James Lord Forrester, Sir John Nicolson of Lef-waid, Sir Alexander Dalmahoy of that Ilk, Sir John Foules of Ravilstoun, Sir John Cowper of Gogar, Sir William Purves of Woodhoussie, Patrick Hamiltoun of Preston, Mr. John Young of Lany, Mr. Alexander Gibson of Adistoun, Mr. Robert Smith of Southfield, Patrick Scot of Langshaw.

For the Sheriffdom of Haddingtoun.

George Earl of Winton, Alexander Viscount of Kingstoun, Robert Hamilton of Presmennen, Sir James Hay of Linphim, Patrick Brown of Colsten, George Hoom of Foord, Mr. John Hay of Aberlady, Mr. Cornelius Inglish of East-barnes, Francis Kinloch of Gilmertoun, Mr. John Dowgall of Nunland, John Josse of West-pans, Mr. Cornelius Ainshly, John Hay of Baro.

For the Sheriffdom of Berwick.

Alexander Earl of Hoom, William Lord Mordingtoun, Sir Archibald Cockburn of Langtoun, George Hoom of Wedderburn, Alexander Hoom of Ayton, Sir Patrick Hoom of Polwart, Alexander Don of Newton, Alexander Hoom of Linthill, Mr. Hary Hoom Commissar of Lawder, James Cockburn of that Ilk, George Hoom of Kaimbs, Sir Robert Sinclar of Longfarmacus, Sir Hary Hoom of Hardrig.

For the Sheriffdom of Roxburgh.

Lord Newbottle, Charles Ker of Abbotroule, Robert Ker of Crailinghall, Sir Andro Ker of Greenhead, Wauchop of Niddrie younger, Sir Francis Scot of Thirlestane, Pringle of Stichell, Mr John Scot of Langshaw, Alexander Don of Newtoun, Robert Pringle of Cliston; Francis Scot of Mangerton, Hary Ker of Linton, Maine Baily to the Earl of Haddington.

For the Sheriffdom of Linlithgow.

George Earl of Winton, Walter Lord Torphichan, Walter Dundass of that Ilk. Sir Walter Seaton, James Cornwa of Benhard, Thomas Drummond of Richartoun, William Sharp of Houstoun, Robert Hamilton of Dechmond, James Dundass of Mortoun, John Hamilton of Bengoni, Thomas Hamilton of Parklie, Alexander Livingstoun of Craigingat, Mr. George Norvel.

For the Sheriffdom of Perth.

Patrick Earlof Kinghorn, David Earlof Ethie, David Viscount of Stormouth, David Lord Cardrofs,
Campbel of Glenurquhie,
of Gorthie, Sir James Drummond of Mackany,
Murray of Lachlan, Patrick Murray of Killor, Mr. Collin Campbel of Aberuchall, Sir John Drummond,
Sir Thomas Stewart of Garintullie, Sir Gilbert Stewart.

For the Sheriffdom of Kincardin.

Viscount of Arbuthnet, Master of Hackertoun, Sir Alexander Carnagie of Pittarow, Sir David Carnagie Fiar of Pittarie, David Ramsey Younger of Balmane, Mr. David Falconet of Glenferquhar, Andro Arbuthnet of Feddis, Sir John Allardis of that Ilk, John Graham of Creigh, Sir George Ogilbie of Barras, Alexander Bennerman of Alsick, Captain William Keith Sheriff-Deput of Kincardin.

For the Sheriffdom of Aberdeen.

Charles Earlof Aboyne, Lord Fyvie, Sir John Keith, Sir John Gordon of Haddo,
Fraser of Philorth Elder, Sir Alexander Urquhart of Cromertie, Sir James Baird of Auchmedden, John
Gordon of , Sir William Gordon of Lesmore, Forbes of Watertoun, Adam Urquhart
of Meldrum, Fraser of Philorth Tounger, Elphingroun of Ilack.

For

For the Sheriffdom of Inverness.

Earl of Murray, Lord Macdonald, of Macloud, of Moydort Tounger, Alexander Fraser Tutor of Lovit, Donald Macdonald of Castletoun, Alexander Gordon of Arradouel, John Forbes of Coloden, William Mackintosh of Hugh Fraser of Foyer, Hugh Fraser of Belladrum, Alexander Mackintosh of William Mackintosh of Borlonie.

For the Sheriffdom of Ross.

Kenneth Earl of Seaforth. Sir George Mackeinzie of Tarbert, David Ross of Balnagoun, John Monro Tounger of Foules, Sir George Mackeinzie Advocat, Collin Mackeinzie of Ridcastle, Malcolm Ross of Kindeisse, Collin Mackeinzie of Kilroy, Roderick Mackeinzie of Ferburn, Alexander Bayne of Knockbayne, Hugh Monro of Tenith, Robert Leslie of Findrasse, Kenneth Mackeinzie of Coul.

For the Sheriffdom of Nairn.

Sir Hugh Campbel of Calder, Hugh Ross of Kilravock, John Hay of Park, Thomas Dumbar of Grange, Hugh Ross of Clava, Alexander Brodie of Lethin, Alexander Dumbar of Boath, William Sutherland of Kingsterie, Alexander Urquhart of Kinnewdie, Simon Fraser of Innerrallachie, John Ross of Broadlie, James Grant of Moynes, John Ross of Blackhill.

For the Sheriffdom of Cromartie.

Sir John Urquhart of Cromartie, John Urquhart of Kinbachie, Hugh Dollas of Fermtoun, Mr. Hugh Anderson of Udoll, William Grant of Aidoch, John Grant of Rifolis, George Dollas of St. Martins, James Dollas of Balblair.

For the Sheriffdom of Argyle.

Sir Allan Macklane of Dowart, John Campbel of Glenurquhy Younger, Collin Campbel of Lochnanel, Donald Campbel of Barbreck, John Campbel Captain of Dunstaffnage, George Campbel of Aird, Donald Campbel Captain of Craigneish, Ronald Mac-Alaster, Captain of Tarbert, John Compbel Captain of Carrick, Angus Mac-Donald of Largie, Hector Macklaine of Turloysk, Duncan Campbel Baillie of Jura, the Baillie of Kintyre for the time being.

For the Sheriffdom of Fife.

David Lord Carnagy, Sir James Halket, Sir Henry Wardlaw, Sir John Weymes, Sir Philip Anstruther, Sir John Leslie, Sir Alexander Martine, Gibson of Dury, John Malcolm of Balbedy, Sir Thomas Gourlay, Lundsey of Wolmistoun, of Farthar, Andrew Bruce of Earleshal.

For the Sheriffdom of Forfar.

Patrick Earl of Kinghorn, James Earl of Airlie, George Earl of Panmure, David Earl of Ethie, Sir John Carnegie of Bayfick, Sir David Ogilbie of Innerquhartie, John Ogilbie of Potmoueis, Lindsey of Edyell, Lyon of Brigtoun, Sir John Wood of Bonnytoun, David Fodthringham of Pourie, James Mauld of Melgum, John Garden of Latoun.

For the Sheriffdom of Bamff.

Earl of Finlater, Lord Bamff, Sir Alexander Urquhart of Cromartie, Sir Patrick O-gilbie of Boynd, Sir James Baird of Achmedden, Sir Alexander Abercumbie of Birkinboge, James Gordon of Rothemay, John Ogilbie of Kempcairne, Mr. John Abercrumbie of Glashaugh, Mr. Walter Innis of Auchluncard, John Gordon of Thornibank, William Robertson of Newsead, Thomas Ogilbie Chamberlainto the Earl of Airlie.

For the Sheriffdom of Selkirk.

John Murray of Phillip-hauch, Thomas Scot of Whitslait, Sir Thomas Ker of Fairnilie, John Riddel of Hayning, James Pringle of Yair, Patrick Murray of Deuchar, Sir Francis Scot of Thirlestane, William Scot of Hartwood-myres, Thomas Scot of Todrig, Patrick Murray Baillie to the Dutches of Buccleugh, William Scot of Tushielaw, Andro Scot of Bowhill.

For the Sheriffdom of Pecbles.

Lord Rutherfurd, Sir William Murray of Stainhope, Archibald Murray of Blackbarony Tonnger, John Vetch of Dawick Tounger, James Nefmith of Posso Tounger, Mr. John Hay of Haystoun, William Horsburgh of Horsburgh, William Broun of Steinstoun, Adam Murray of Cardoun, Mr. John Dickson of Whitestaid, the Laird of Kirkurd Tounger, Charles Balsowre of Kailzie, George Broun of Scotslun.

For the Sheriffdom of Lanerk.

Earl of Wigton, Gawin Earl of Carnwath, Sir Robert Hamilton of Silvertounhil, Gawen Hamiltoun of Raploch, Sir John Whitefoord of Miltoun, John Bannatyne of Corhouse, Mr. John Harper of Cambusnethen, James Hamilton of Woodhall, John Moorheid of Braidisholme, James Cleland of that Ilk, William Ingles of Eastsheils, William Baillie of Littlegill, William Anderson Provost of Glasgow.

For the Sheriffdom of Nithisdale.

Robert Earl of Nithisale, Gawin Earl of Carnwath, Sir Robert Dalyel of Glennae, Sir James Johnstoun of Westerhal, Robert Fergussion of Craigdarroch, William Dowglas of Mortoun, Robert Lawrie of Maxweltoun, John Johnstoun of Esse Sheils, John Greerson of Capenoch, James Johnstoun of Corhead, Francis Scot of Mangerton, Hugh Sinclar of Inglestoun, John Alison of Glencorse.

For the Sheriffdom of Wigton.

James Earl of Galloway, Alexander Lord Gairlies, Sir Andro Augnew of Lochnaw, Sir David Dumbar of Baldone, Macculloch of Myretoun, Thomas Dumbar of Mochrun, Patrick Macdouel of Logan, Uchtred Mackdouel of Freuche, William Maxwel of Munreith, Andro Houston of Gartland, George Stewart of Tonderglie, William Stewart of Eggrines, William Lin of Large.

For the Stewartry of Galloway.

Robert Earl of Nithisdale, Alexander Viscount of Kenmure, John Lord Harris, Robert Master of Harris, John Harris of Mabie, Sir David Dumbar of Baldone, Alexander Mihi of Bahuglie, Roger Gordon of Trochane, Edward Maxwell of Woodhead, John Dumbar of Macheimoir, William Grierson of Bargatten, Robert Maxwel of Hessilwood, George Maxwel of Munches.

For the Sheriffdom of Air.

James Earl of Lowdoun, William Earl of Kilmarnock, Alexander Lord Montgomery, John Lord Bargany, William Lord Cochrane, William Master of Cochrane, Collonel James Montgomery of Colffield, Sir John Cochrane of Ochiltrie, Sir Thomas Wallace of Craigie-Wallace, Mr. John Cunningham of Lambrughton Advocat, David Boyl of Kelburn, John Mure of Auchindreine, Alexander Ferguson of Kilkerrane Elder.

For the Sheriffdom of Dumbarton.

Earl of Wigton, Sir John Colquhoun of Luss, John Naper of Kilmahew, William Semple of Fulwood, Aulla Mccalla of Ardincaple, William Bountine of Ardoch, Captain of Carrick, John Campbel of Ardintoun, George Noble of Kipperminchoch, Mr. James Fleming, James Fleming of Grange, Robert Boyd of Dounie.

For the Sheriffdom of Bute.

Sir Dougal Stewart Sheriff of Bute, Sir Robert Montgomery of Skelmerlie, Ninian Bannatyne of Kambs, David Boyl of Kelburn, Mr. John Stewart of Asnock, John Hamilton Baillie of Arran, William Hamilton of Coats, William Campbel of Solunt, James Stewart of Ambersmore, David Ramsey Commissar of the Isles, Robert Hamilton of Drumlabora, John Stewart of Galachan, James Stewart of Kilumluck.

For the Sheriffdom of Renfrew.

Alexander Earl of Glencairn, Alexander Lord Montgomery, Lord Ross, William Lord Cochrane, William Master of Cochrane, Patrick Houstoun of Houstoun, Archibald Stewart of Blackhal, John Shaws of Greinoch Elder and younger, Corne-ius Crawfurd of Jordan-hil Elder, Scot of Scotstoun Elder, Pollock of Over-Pollock, Mr. Hugh Montgomery of Silverwood Sheriff-Depute.

For

For the Sheriffdom of Striviling.

Alexander Lord Almond, David Lord Cardrofe, Lord Elphingstoun, James Lord Forrefter, John Buchannan of that Ilk, of Bearcrafts, Charles Ereskine of Alva, Murray of Polmais, Sir Alexander Hope, Alexander Monro Seaton of Touch, Sir Robert Elphingstoun of Quarrel, Mr. Andro Ofwald of Deders, Sir Mungo Stirling of Glorat.

For the Sheriffdom of Sutherland.

Lord Strannaver, Lord Reay, Lord Duffus, Sir Robert Gordon of Eymbo, Angus Macky of Banskay, Robert Gordon of Rogart, Robert Gray of Skibo, Robert Gordon of Carrel, Patrick Dumbar of Sidderoy, John Gordon of Midgarthie, Gilbert Gray of Over-Skibo, James Sutherland of Shiberskaige, John Gordon in Innernaver.

For the Sheriffdom of Caithness.

Sir William Sinclair of Mey, William Sinclair of Ratter, William Sinclair of Dumbeath, John Sinclair of Penitland, David Murray of Clairden, Robert Monro of Porlonie, Alexander Sinclair of Telstaine, David Sinclair of Dune, Mr. James Innes of Sandfaid, James Sinclair of Assert, Francis Sinclair of Stic-Caike, Walter Innes of Ortoun.

For the Sheriffdom of Elgin.

Sir Robert Innes of that Ilk, Robert Cumming of Altyr, James Brodie of that Ilk, Sir Ludovick Gordon of Gordonstoun, or his Brother Mr. Charles, Sir Robert Dumbar of Grangehil, Sir Robert Innes of Mortoun, Thomak Mckeinzie of Pluscarden, Patrick Dumbar of Bennasserrie, Sir Alexander Innes of Copstoun, Alexander Dowglas of Spaynie, Walter Kincairn of Coubine, Lieutennant Collones Patrick Grant, Tutor of Grant, Andro Leslie of Boigs.

For the Sheriffdom of Orkney and Zetland.

For Orkney, Andro Bishop of Orkney, Patrick Blair of Little-Blair, Archibald Stewart of Burray, Mr. Patrick Graham of Rothelholm, William Dowglas of Egilshaw, James Baiky of Tankernes, Arthur Buchannan of Sound, Commissar, John Buchannan of Sandset, William Young of Castleyards, John Elphingstoun of Lopnes, George Baltour of Pharay, David Craigie of Oversanday.

For Zetland, Collonel William Sinclair, John Sinclair of Quandail, James Sinclair of Scallaway, An-

Middletoun, William Bruce of Soundburgh, Magnus Moat of dro Bruce of Munes, Captain

Oldberie.

For the Sheriffdom of Clackmannan.

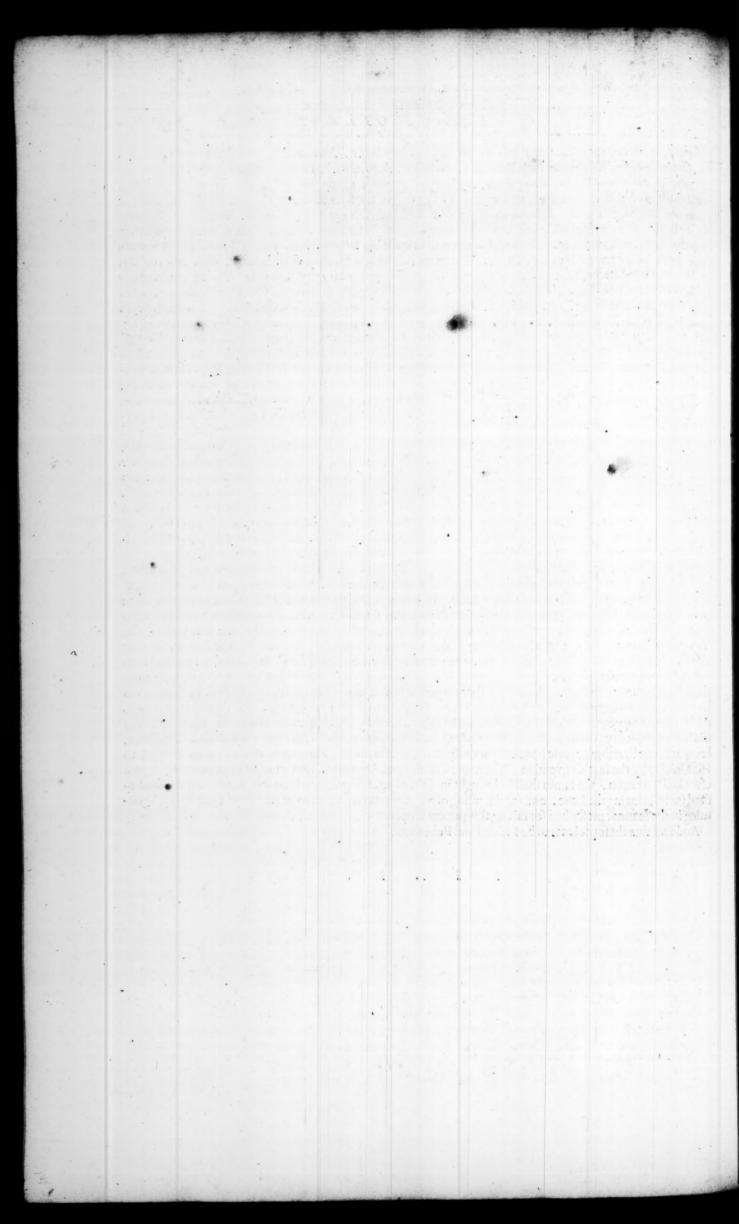
John Earl of Mar, Sir Henry Bruce of Clackmannan, Charles Erskine of Alva David Bruce of Kennet, Mr. William Sharp of Tillibodie, John Keirie of Sherdils, Mr. Thomas Naper Baillie of Alloway, Patrick Burn of Sheridel, Mr. Francis Masterton of Parkmilne.

ND for the Burghs, the Magistrats of the same for the time being, with power to them to choose A Stent-Masters within their respective bounds. Which Commissioners are hereby ordained to accept and discharge their trust, as they will be answerable. And are at their acceptation thereof to take the Oaths of Allegiance, and for doing their duty faithfully in the matter of this Administration, and to fign the Declaration appointed by Act of Parliament to be figned by all persons in Publick Trust: And which Commisfioners are hereby impowered to call for, and confider the Valuations of all Lands, Teinds, and other real Estate within their respective Shires and Burghs; And such as they shall find just and equal, that they approve thereof, and appoint the fame to be the rule for levying and raifing this prefent supply. And where Lands, or Teinds, or other real Estate, did the time of former Valuations pertain to, and were in the hands of one person, and are since dismembred and disponed to several persons in parcels, so that the value of each parcel by it self cannot be known by the former Valuations, the Commissioners are hereby impowered in this and all other cases of that nature, or where they shall find any just cause by unequality to value of new again. As also, to value the Rents of all Archbishopricks, Bishopricks, and other Benefices, in so far as they exceed the ordinary value of modified Stipends. Provided alwayes that notwithstanding of the Valuation thereof within the Shire where there is any fuch Lands, Teinds, or other real Rent, the total and proportions above-specified of the said Shires continue without any alteration; And that after the Valuation of the saids Benefices, a proportional abatement and ease effeirand to the proportion payable out of the saids Benefices be granted to the Heretors and others within the faids Shires, lyable in payment of the faid supply; and that

from the first day of January instant. And where any Complaint or Representation shall be made of the Valuations by any persons concerned, that the Valuations are unequal, and that the Lands and other real Estate and Rents within the Shires or Burghs, are either over, or undervalued; The Commissioners are hereby impowered to hear and determine upon the faids Complaints, and upon trial, to rectifie all fuch Valuations as they shall find unequal. And they are to take course that all persons within the Shires and Burghs be equally and proportionally burdened: And in order hereunto, all persons who conceives themselves grieved by former Valuations, are hereby appointed and warranted to make application to the Commissioners of the respective Shires and Burghs where their Estates ly, betwixt and the tenth day of April next: And the faids Commissioners, or Quorum thereof (which is hereby declared to be the Major part) are ordained to proceed and determine thereupon, and to perfect and close their Valuations betwixt and the first day of June next. And their first meeting to be the second Wednesday of March; at the head Burgh of the Shire. and thereafter to adjourn their meeting to fuch diets and places as they shall think fit. It is alwayes provided. that this supply for the first three Moneths, to be levied and paid according to the Valuations already made: But after that any of the faids Valuations shall be rectified, the supply is then to be payed according to the faid rectification. And those persons whose Valuations shall be rectified, are in the first end of the next payment to have retention of what they shall have payed more then their just proportion in the former Moneths: And these persons who shall be found to have been undervalued, shall after the rectifying of the Valuations pay their proportions accordingly; and what they shall have payed less then their just proportions for the former Moneths, they shall also pay the same to the Collector, for relief of those that payed more then their proportions. It is alwayes understood, that the total proportion upon the whole Shire shall remain intire, without any alteration or diminution. And further, the faids Commissioners are hereby impowered to call before them all persons concerned, and to direct Precepts, if need beis, against Parties and Witnesses; and to take Oaths, and use all other means of tryal, and to call for their assistance, information and advice, all fuch persons within the Shire or Burgh as they shall think fit, and if any shall refuse, the Commissioners are to represent the same to the Lords of His Majesties Privy Council, that they may be censured for their contempt. And the faids Commissioners are also hereby impowered to prescribe and set down such Rules and Orders within the respective Shires and Burghs, as may be most effectual for the speedy and easie raifing, leavying, and bringing in of the faid fupply, and ordering and doing every thing that may concern the same: And particularly, with power to them to choose their own Collectors for in-gathering of the said fupply, for whom they are to be answerable, and to allow them and their Clerks such Fees, to be payed by the Shires and Burghs, as they shall think fit. And which Collectors and Clerks are to take the Oaths, and fign the Declaration foresaid. And the Kings Majesty doth with advice and consent of His Estates, ordain all execution real and personal to pass at the instance of the Collector General, and the Collectors of the respective Shires and Burghs, against all persons deficient in payment of their proportions, as formerly: And also, impowers the Commissioners by their Officers, to Arreast, Poynd and Distrenzie the Goods, and Imprison the Persons of the Deficients, ay and while they make payment of their just proportions and necessary expenses. And for the more ready and effectual payment, doth also impower the Commissioners and Collector General to Quarter upon Deficients, with this express proviso, that every Horse-man that shall be upon the place, shall have only free single Quarter allotted to them upon the persons Deficient, or be Quartered in Burghs or Villages, as the Commissioners shall appoint; and in that case to have fifteen shillings Scots a-day, from the time of presenting the Order to the Collector, and their stay upon the place, or eight shillings for their own Diet, and the Commissioners to cause provide every Horse with twenty pound weight of fufficient Straw, and three fourth parts of Oats in the twenty four hours, if the Horse-men cannot conveniently provide themselves in the places where they ly: And each Foot-man to have four shillings Scots, or their Diet, as the Commissioners shall order; and the Commander of the Party, Horse or Foot, to have only double Quarter, or pay of an Horfe-man or Foot man as he ferves. And declares, that in order to the Quarters, and matters relating to the in-bringing of this supply, any three of the Commissioners shall be a Quorum, and who are impowered to proportion upon, and raise from the Deficients the expence and charge of their deficiency. And the Kings Majesty confidering, That the Land and real Rent of the Kingdom, is lyable to His Majesty for this supplie, and that the said Land-rent is under many other great burdens, and His Majesty being desirous to ease the same so tar as is possible: Doth therefore, and for relief thereof, with advice of His Estates, Statute and Ordain, that all persons, Inhabitants within the several Shires, past sixteen years of Age (excepting Archbishops, Bishops, Noblemen, Barons, Heretors, Liferenters, and Beneficed Persons, bearing burden for their real Estates, and all Beneficed Persons, whose Benefices exceed not the ordinary Value of Modified Stipends; all Stipendary Ministers, School-Masters, Readers, Precentors and their Wives and Children: And also excepting the Colledge of Justice, and Members thereof; Officers of the Mint, and their Wives, Children and Servants) be Taxed, and pay into the Heretors and others lyable for real Rent, under whom they live, and for their relief, the sums of Money after-mentioned, for this year, one thousand. fix hundred, fixty seven; viz. Each Gentleman above the quality of a Tennant, the fum to be appointed by the Heretor, not exceeding fix pounds Scots for himfelf, his Wife and Children; And each Tennant and other Inhabitant, above the quality of a Tradsman, Cotter, or Servant, for themfelves and their Wives, any fum not exceeding four pounds Scots; And each Tradfman, Cotter, or

Servant, any fum not exceeding the fum of twenty shillings Scots: And the Burghs Royal are for their relief hereby impowered to Taxt all their Burgesses, constant Inhabitants, Tradsmen and Servants, conform to the above mentioned Rules, excepting, as is before excepted, in relation to the Shires. And it is Ordained that the Heretors shall have the same Execution for raising of the saids sums, as for their Mails and Duties; And the Burghs, as for other Publick Dues payable to the faids Burghs. And further, The King's Majesty being willing to give all possible ease and encouragement to the Heretors and others lyable in payment of this supply out of the Land-rent, which will be impossible for them to pay, if they should likewise be for the name straitned for payment of their Debts: Therefore the King's Majesty doth hereby, with Advice and Consent of His Estates, suspend and discharge all personal Execution for payment of any Principal Sum above one thousand pounds Scots, due before the Date hereof by any persons having visible and real Estates, untill the Term of Whitsonday, one thousand, six hundred, sixty nine years: Excepting alwayes all such Sums and Bonds given for the same, as are due for the payment of His Majesties Annuity, Customes, Few-duties, Taxations, and other Dues belonging to His Majesty, which are no wayes comprehended under this Suspension; but all Execution is to pass for payment thereof as formerly, notwithstanding that the Bonds given for the same, grant the receipt of borrowed Money. And it is hereby declared, that the Suspension abovewritten is granted with this express condition, that the Debtors make payment of one years Annualrent yearly, within twenty dayes after the same is due, during the time foresaid, otherwise shall lose the benefit of this Suspension. It is also declared, that this Suspension is but prejudice of all Execution, real and personal (except Arreastments upon Rents) for bygone Annualrents, due at, and before Martimas last; And in case that any Creditor shall think fit to secure himself further, as to the payment of the Sums due to him, by real Execution, in that case the Debitor is hereby oblidged to give his Creditor sufficient real security: And, if notwithstanding thereof, the Creditor shall use further real Execution, the same is to be upon his own charges; but if the Debitor shall refuse to give sufficient real security, then the diligence that is to be done by the Creditor, shall be upon the Debitors charge and expence. And further, His Majesty for satisfaction of His good Subjects, is graciously pleased to declare, that all Officers and Souldiers, Horse and Foot, shall make due and punctual payment of their Quarters, Local and Transient, according to the Rates to be established thereanent by the foresaids Commissioners: And in case the Souldiery have not ready Money for defraying their Quarters, that then their Quarters be stated betwixt the Quarter-massers or other Officers, and any two of the Commissioners, and the Compts being stated and fitted, that they be allowed by the respective Collectors, in the first end of what is due by the Shire or Burgh where the said Quarters are owing; providing the faid Quarters exceed not two parts of their Pay; and which stated Accounts are to be allowed to the respective Collectors, by the Collector General, and to be by him retained off the first end of the Troops or Companies Pay: And in case the Officers do remove before the Accounts can be stated, in that case the Collectors of the Shires and Burghs are to retain what after tryal the Commissioners shall find resting, till the Accounts be stated in manner foresaid; and the said retention for Quarters to Commence from the first of January, instant. And also, that no person lyable in any part of this supply shall be holden to produce their Discharges, or Receipts of the same, after the first day of February, one thousand, six hundred seventy one years, unless where diligence hath been done by Denunciations before the Elapsing, the faid first of February, one thousand, fix hundred, seventy one years. And the Convention of Estates, being desirous that some course be taken for the speedy and effectual in-bringing of the Taxation granted to His Majesty by the late Convention, Therefore Ordains and Appoints, that what is yet remaining unpaid of the said Taxation, the samin shall be brought in (after Legal diligence first done by those who are authorized for in-bringing the same, and the discussing of Suspensions raised, or to be raised thereanent) by Quartering in the manner prescribed for raising this present supply. And Ordains these presents to be Printed and Published.

FINIS.





A C T

Of the CONVENTION of

E S T A T E S,

Of the Kingdom of SCOTLAND,

Holden at Edinburgh, from the 26. day of June, to the 11. of July, 1678.

By His Grace John Duke of Lauderdale, Marquess of March, Earl of Lauderdail, Viscount Maitland, Lord Thirlestane, Musselburgh and Boltoun, &c.

His MAJESTIES Commissioner, &c.

For a new and voluntar offer to His MAJESTY, of Eighteen Hundred Thousand Pounds Scots.

At Edinburgh, the tenth day of July, 1678.

HE CONVENTION of Estates of the Kingdom of Scotland, by His Majesties Authority and Command, at this time assembled. Considering the great happiness, peace, and tranquility they enjoy under His Majesties Royal Government; and His Fatherly Care for this His Ancient Kingdom, in being so warchful over all its Concerns; And that as all Kings and Estates do at present carefully secure themselves and their people, by providing against all such forraign Invasions and Intestine Commotions, as may make them a prey to their enemies. So it is not fit that this Kingdom should only of all others, remain without Desence, in a trime wherein these dangerous Field-conventicles, declared by Law, Rendezvouses of Rebellion, do still grow in their numbers and insolencies, against all

which the present Forces cannot in reason be thought a suitable Security. And considering the many frequent and renewed professions this Kingdom hath made, with their lives and fortunes to serve His Majesty, in the maintenance of His Honour, and Greatness; And that there is a new opportunity offered to them to make good the professions of their zeal, duty, and affection. In recognisance whereof, and in humble acknowledgement of the same, & that His Majesty may be the better enabled to raise more Forces for securing this His Ancient Kingdom, against all forraign Invasions & Intestine Commotions; And to the end, they may be maintained by equal & regular wayes: And to let the world see the unanimous affection of this His Maj. Ancient Kingdom, for the maintenance of His Majesties Royal Greatness, Authority, & Government, in Church & State, as it is now afferted, & established by the Laws of the Kingdom, & in order to the entertainment of such forces, as His Majesty shall raise for the defence thereof; The CONVENTION of ESTATES of this Kingdom, for themselves, and in name of, and as representing this His Majesties Ancient Kingdom, do humbly besech His Majesty would be graciously pleased to accept the unanimous, ready, and chearful offer, & humble tender

of a new supply, of Eighteen Hundred thou fand Pounds Scots Money, to be raised and payed forth of the Shires and Burghs of this His Majesties Ancient Kingdom, in the space of five years, according to the pre-fent valuations; and that as twenty five Moneths Cefs, in the whole, being five Moneths yearly, amounting to three Hundred and firsty thousand Pounds Scors, ilk year, at two terms in the year, by equal portions; beginning the first terms payment, being One hundred and four score thousand Pounds, at the Feast and Term of Martimas next to come, for the half year immediately preceeding, commencing from the Termof Whitfonday last in this year of God, One thousand, fix hundred, seventy and eight years, and so forth to continue, and paying termly the foresaid sum, of one bundred and four score thousand Pounds Scots, until the Term of Whitfonday. One thousand, six hundred, eighty and three years inclusive, which is hereby declared to be the last term of the saids five years, within which space, the said sum of Eighteen hundred thousand Pounds Scots, is due and payable; and that at the proportions underwritten respective, being five Moneths Cess yearly, by the foresaid space of five years, which is two Moneths and one half Moneths Cess for every Term; That is

The Sheriffdom of Edinburgh, the fum of three thousand, one hundred, and eighty three pounds, eight shillings Scots money, Monethly, for the saids five Moneths, for ilk year, during the said space of five years. The Sheriffdom of Haddington, the fum of two thousand, seven hundred, eighty two pounds, and fix

The Sheriffdom of Berwick, the fum of two thousand, eight hundred, thirteen pounds, and one shilling. The Sheriffdom of Roxburgh, the fum of three thousand, fix hundred, eighty fix pounds, seventeen shil-

lings, and fix pennies.

The Sheriffdom of Selkirk, the fum of nine hundred, four pounds, and nine shillings.

The Sheriffdom of Peebles, the sum of one thousand, fourty two pounds, and eight shillings. The Sheriffdom of Lanerk, the sum of three thousand, ninety one pounds, and twelve shillings.

The Sheriffdom of Dumfreis, the fum of two thousand, seven hundred, twelve pounds, and seventeen

The Sheriffdom of Wigton, and Stewartrie of Kirkcudburgh two thousand, fix hundred, seventy nine pounds, and fix shillings.

The Sheriffdom of Air, the fum of three thousand, eight hundred, seventy pounds, and five shillings.

The Sheriffdom of Dumbarton, the fum of seven hundred, fixty four pounds, and ten shillings. The Sheriffdom of Bute, the fum of three hundred, eight pounds, eight shillings, and three pennies.

The Sheriffdom of Renfrew, the fum of one thousand, three hundred, fifty three pounds, and seven

The Sheriffdom of Striviling, the fum of one thousand, seven hundred, fifty four pounds, four shillings and fix pennies The Sheriffdom of Linlithgow, the fum of one thousand, one hundred, fixty nine pounds, and eigh-

The Sheriffdom of Perth, the fum of five thousand, thirty eight pounds, and fourteen shillings.

The Sheriffdom of Kincardine, the fum of nine hundred, eighty four pounds, and one shilling. The Sheriffdom of Aberdeen, the sum of four thousand, seventy seven pounds, and nineteen shillings. The Sheriffdom of Innerness and Ross, the sum of two thousand, five hundred, ninety pounds, and nineteen shillings, to be proportioned and divided betwire them, according to the division, in the year, one thousand, fix hundred, and fixty feven.

The Sheriffdom of Nairn, the fum of two hundred, seventy seven pounds, and fixteen shillings.

The Sheriffdom of Cromarty, the fum of fixty eight pounds, and five shillings.

The Sheriffdom of Argyle, the fum of one thousand, nine hundred, fourty seven pounds, ten shillings, and nine pennies.

The Sheriffdom of Fife and Kinrofs, the fum of five thousand, one hundred, seventy two pounds.

The Sheriffdom of Forfar, the fum of three thousand, two hundred, seventy three pounds, and fifteen

The Sheriffdom of Bamff, the fum of one thousand, one hundred, fifty pounds, and four shillings.

The Sheriffdom of Suther land, the fum of three hundred, thirty fix pounds.

The Sheriffdom of Caithness, the sum of five hundred, ninety nine pounds, and five shillings. The Sheriffdom of Elgine, the fam of one thousand, fifty mine pounds, and five shillings.

The Sheriffdoms of Orkney and Zetland, the furn of one thousand, eighty eight pounds, and ten shillings. The Sheriffdom of Clackmannan, the fum of three hundred, fifty two pounds, feven shillings, and three pennies, Scots hioney.

> R U

The City of Edinburgh, the fum of four thousand pounds. The Burgh of Perth, the fum of four hundred, fixty two pounds. The Burgh of Dundee, the fum of seven hundred, thirtie two pounds. The Burgh of Aberdeen, the fum of eight hundred, and fourty pounds.

The Burgh of Striviling, the fum of two hundred, and fixteen pounds. The Burgh of Linhthgow, the fum of two hundred, and four pounds. The City of S. Andrews, the fum of two hundred, seventy eight pounds. The City of Glasgow, the sum of one thousand, four hundred, and sourty pounds. The Burgh of Air, the fum of two hundred, and eight pounds. The Burgh of Haddingtown, the fum of two hundred, & fixteen pounds. The Burgh of Dysert, the fum of ninety fix pounds. The Burgh of Kirkaldy, the fum of two hundred, seventy fix pounds.

The Burgh of Montrose, the sum of two hundred, twenty eight pounds. The Burgh of Cowper, the fum of one hundred, and twenty pounds. The Burgh of Anstruther Easter, the sum of twenty four pounds. The Burgh of Dumfreis, the sum of two hundred pounds.

The Burgh of Innerness, the sum of two hundred, and sixteen pounds. The Burgh of Burnt-Island, the fum of one hundred, thirty eight pounds. The Burgh of Innerkeithen, the fum of fourty eight pounds. The Burgh of Kingborn, the fum of fifty four pounds. The Burgh of Brechen, the fum of fixty fix pounds. The Burgh of Irwin, the fum of one hundred, and eight pounds. The Burgh of ledburgh, the fum of one hundred, and eight pounds. The Burgh of Kirkcudbright, the fum of ninety fix pounds. The Burgh of Wigton, the fum of fourfcore four pounds. The Burgh of Pettenweem, the fum of fourfcore pounds. The Burgh of Dumfermling, the fum of ninety fix pounds. The Burgh of Anstruther Wester, the sum of thirty pounds. The Burgh of Selkirk, the fum of fourfcore pounds. The Burgh of Dumbarton, the fum of fixty pounds. The Burgh of Renfrew, the fum of fourty eight pounds. The Burgh of Dumbar, the fum of seventy two pounds. The Burgh of Lanerk, the sum of seventy two pounds. The Burgh of Arbrothock, the sum of sifty sour pounds. The Burgh of Elgin, the fum of one hundred, and twenty pounds. The Burgh of Peebles, the fum of feventy two pounds. The Burgh of Crail, the fum of one hundred, and eight pounds. The Burgh of Tayne, the fum of fourty two pounds. The Burgh of Culrofs, the fum of fourty eight pounds. The Burgh of Bamff, the fum of fourty eight pounds. The Burgh of Whithorn, the fum of twelve pounds. The Burgh of Forfar, the fum of twenty four pounds. The Burgh of Rothefay, the fum of thirty fix pounds. The Burgh of Nairne, the fum of eighteen pounds. The Burgh of Forres, the fum of thirty pounds. The Burgh of Rutherglen, the fum of eighteen pounds. The Burgh of North-berwick, the fum of fix pounds. The Burgh of Cullen, the fum of twelve pounds. The Burgh of Lawder, the fum of thirty fix pounds. The Burgh of Kintore, the fum of twelve pounds. The Burgh of Kilrenny, the fum of twelve pounds. The Burgh of Annand, the fum of twelve pounds. The Burgh of Lochmaben, the fum of twelve pounds. The Burgh of Sangubar, the fum of twelve pounds.
The Burgh of Galloway, the fum of fix pounds.
The Burgh of Dingwall, the fum of twelve pounds. The Burgh of Dornoch, the fum of eighteen pounds. The Burgh of Queens-Ferry, the fum of fixty pounds. The Burgh of Forterofe, the fum of thirty pounds. The Burgh of Cromartie, the fum of thirty pounds. The Burgh of Innerwie, the fum of eighteen pounds. The Burgh of Weik, the fum of twenty pounds. The Burgh of Innerbervy, the fum of fix pounds.

And the Burgh of Kirkwall, the fum of fixty pounds Scots money.

T is alwayes hereby provided, that if the proportion payable at the Martimas yearly, be payed before the last of November the said year, and that the proportion payable at Whitsonday, be payed before the last of June, the same shall be sufficient. And it is hereby Declared, That all persons having real Estates of Lands, Teinds, Annualrents due by Insestments, Tack-duties, Few-duties, and others of that nature, are, and shall be lyable to the foresaid supply, unless the granters of the saids Rights, be oblidged to relieve the receivers thereof, of publick Burdens, and all other Impositions of this nature; Excepting alwayes such real Rights and Insestments of Annualrents as are secured to the Creditors by their Debitors, for which they have only their ordinary Annualrent free, which are hereby declared not to be lyable to any part of this supply: Excepting also all Rents belonging to Colledges and Hospitals, provided this exemption of Colledges and Hospitals, shall not burden the Shires for any Rent mortified to them, since the year, one thousand, six hundred, fifty six. And it is hereby declared, That the Rents of the Arch-bishopticks, and Bishopticks, shall be lyable in a proportion of this Supply, according to the present Valuation. And to the end the foresaid Supply may be duly Raised and Payed, the Kings Majesty, with Advice of His Estates, doth Nominat, and Appoint, the Lords of His Majesties Privy Council, the Senators of the Colledge of Justice, within the several and respective Shires, where any part of their Lands or Estats ly: And also the persons underwritten, within the several Shires, to be Commissioners to the effect after-specified, viz.

For the Shire of Edinburgh.

The Earl of Louthian, the Earl of Dalhoussie, the Viscount of Oxfoord, the Lord Torphichen, the Lord Forrester, Richard Maitland of Over-gogar, Sir Archibald Primerose of Caringtoun, Sir John Wauchop of Niddrie, Sir John Nicolson of that Ilk, Sir John Couper of Nether-gogar, Sir John Foulis of Ravelstoun Tounger, Sir William Purves of that Ilk, Sir Mark Cass of Cockpen, Sir William Sharp of Stonyhil, Mr. Alexander Gibson of Pentland, obe Laird of Dalmahoy Tounger, Sir William Binning of Walyfoord, Patrick Hamiltoun of Little-prestoun, Sir John Young of Leny, Robert Baird of Sauchtounhal, Mr. James Rochead of Innerleith, John Skeen of Halyards, John Hall of Graycruik, John Biggar of Wolmet, James Dundass of Arnistoun, Sir William Murray of Newtoun, Sir James Ramsay of Whitehil, Sir William Murray of Dreghorn, Mr, David Watson of Sauchtoun, John Cunningham of Woodhal, James Dick of Priestsield, John Brown of Gorgymiln, Alexander Henderson Portioner of New-haven, Little of Over-libbertoun, Scot Bailzie of Dalkeith, Brand of Babertoun younger, the eldest Bailzie of Musselburgh, William Baird younger of Newbaith, John Foulis younger of Ratho, Mr. James Deans of Woodhously, Charles Scot of Boningtoun, Sir James Foulis of Collingtoun to be Conveener.

For the Shire of Haddingtoun.

The Earl of Roxburgh, John Earl of Tweddale, Alexander Viscount of Kingstoun, the Viscount of Oxfoord, the Lord Yester, the Lord Elibank, Sir William Ruthven of Dunglass, Francis Kinloch of Gilmertoun, Sir James Hay of Linplum, Sir Robert Hepburn of Keith, Sir Alexander Morison of Prestoun-grange, John Seaton of St., Jermans, Hepburn of Smeatoun, Mr. Thomas Hay, of Baillie of Lamingtoun, Richard Cockburn of Clerkingtoun, Adam Hepburn of Humbie, Patrick Brown of Colftoun, Sir Robert Sinclar of Stevinftoun, Bannatine of Newhal, William Murray of Spot, Robert Hamiltoun of Presmenin, David Oswald of East-Sydferf of Ruchlaw, John Pringle of Wood-head, Congletoun of that 11k, Seaton of Barns, Sir William Primerofs of Chester, William Robertoun Seaton of Garletoun, Seaton of Barns, Sir William Primeross of Chester, William Robertoun Bailzie of Prestoun, David Hepburn of Randerstoun, Mr. George Purves portioner of Belhaven, Sir Robert Sinclar of Lochend, Sir William Hamiltoun of Prestoun, Sir John Nisbit of Dirletoun, Sir Andrew Ramfay of Wauchtoun, William Baird younger of Newbaith, John Wedderburn younger of Gostoord, Sir James Stampfield of New-milnes, James Home of Gamelsheils, Robert Atchison of Sydferf, Alexander Douglas of Blaikerstoun, Hepburn of Beenstoun, Mr. John Bain of Pitcairly, Robert Hepburn of Beerfoord, Haliburntoun of Eglescairn, Fletcher of New-cranstoun, Major Hepburn of Craig, John Auchmoutie of Carvet, the Laird of Colstoun Banks of Lenchy, Conveener.

For the Shire of Berwick.

The Earl of Home, Sir Archibald Cockburn of Langtoun, Sir John Nicolson of Cockburnspeth, Sir James Cockburn of that Ilk, Sir Alexander Don of Newtoun, Sir Hary Home of Herdrigs, Sir Alexander Home of Rentoun, Sir William Purves of that Ilk, the Laird of Wedderburn, the Laird of Eccles, Alexander Home of Linthil, Mr. James Rochead of Darnchaster, the Laird of Edingtoun, Sir James Cockburn of Ryselaw, Sir William Scotyounger of Harden, Sir Laurence Scot of Eymouth, the Laird of Prandergaist, the Laird of Lambertoun, the Laird of Billie, the Laird of Wedderly, the Lard of Tosts, Mr. Alexander Swintoun of Mersingtoun, the Laird of Longsormacus younger, Patrick Boig of Burnhouses, the

Laird of Earnslaw, the Laird of Blaikerstoun, the Laird of Kaimes, Mr. Patrick Home of Brownsbank, the Laird of Halyburtoun, the Laird of Manderstoun, James Peter of Chappel, the Laird of Bassenden, the Laird of Moristoun, the Laird of Thornydykes, the Laird of Greweldikes, David Home of Newton, the Bailzie depute of Lauderdale, the Earl of Home Sheriff, Conveener, or the Sheriff-depute.

For the Shire of Roxburgh.

The Earl of Roxburgh, the Earl of Louthian, the Earl of Tarras, the Lord Cranstoun, the Lord Jedburgh, the Master of Cranstoun, Sir Thomas Ker of Cavers, Robert Ker of Gaitshaw, Henry Medowgal of Mekerstoun, John Ruthersoord of Edgarstoun, Mr Gilbert Eliot of Craigend, John Ker of Frogden, William Ker of Sunderlandhal, Henry Ker of Lintoun, Robert Pringle of Stitchel, Robert Pringle of Cliftoun, Sir John Scot of Ancrum, Sir Alexander Don of Newtoun, Andrew Ker of Littelden, John Ruthersfurd Provest of Jedburgh, Mr. Charles Ker of Abutsrule, Sir William Eliot of Stobs, Sir Francis Scot of Thirlestane, Walter Scot of Harwood, Charles Murray of Hadden, Wauchop of Niddrie younger, Andrew Plumber of Midlesteed. George Ruthersurd of Fairingtoun, Francis Pringle of Rolvistoun, the Bailzie of Kelso, Mr. Archbald Dowglas tutor of Cavers, Robert Scot of Horsliehil, William Eliot of Grainge, Patrck Scot of Longirtoun, John Halyburtoun of Morislaw, Mr George Scot of Bonraw, Thomas Ruthersurd of Cousnath, Uchtred Medowgal of Hakburn, Henry Eliot of Harwood, Thomas Scot of Whitslaid, Henry Ker of Graden, Sir John Scot of Ancrum Conveener.

For the Shire of Selkirk.

The Earl of Traquair, the Lord Flibank, James Murray of Philiphaugh, John Riddel of Haining, Thomas Scot of Whitslaid, Patrick Murray of Dewchar, Thomas Scot of Todrig, John Riddel of Muslie, George Pringle of Torwoodlie, Alexander Pringle of Whitebank, Hugh Scot of Gallowshiels, Ker of Sunderland-hal, Sir William Scot younger of Harden, Pringle of Blindlie, the Laird of Middlesteed, Gideon Murray of Sundhope, the Duke of Buccleuch's Bailzae for the time, the Laird of Philiphaugh to be Conveener.

For the Shire of Peebles.

The Earl of Traquair, the Earl of Tweddale, the Lord Yester, William Hay of Drumallier, Sir Archibald Murray of Blackbarrony, Sir William Murray of Stenhope, John Veitch of Dawick, Sir Michael Nasmith of Posso, John Veitch younger of Dawick, Robert Hunter of Polmud, William Horsburgh of that ilk, John Murray of Romanno, Mr. John Dicksone of Whitslait, Alexander Bailie of Callends, Mr. John Hay of Haystoun, John Hay younger of Haystoun, William Brown of Stevingstoun, John Porteous of Halkshaw, George Brown of Scotstoun, James Lawson of Cairnmuire, George Bailie of Manerhil, William Govan of Cardrona, Robert Burnet of little Ormistoun, James Hamiltoun of Caldcoat, David Murray of Stenhope, James Nasmith of Posso, Alexander Murray of Halmyre, James Geddes of Kirkurd, Richard Murray of Spittlehaugh, James Murray of Skirling, John Murray of Cringletie, William Burnet of Barns, William Dickson of Kilbocho, William Murray of Cardon, Sir James Dowglas of Smithfield, James Dowglas his son, James Chisholme of Hairhope, Sir William Murray of Stenhope Conveener:

For the Shire of Lanerk.

The Duke of Hamiltoun, the Earl of Carnwath, the Lord Blantyre, the Lord Carmichael, Alexander Inglis of Eastshiels, Bailie of Walstoun, George Weir Menzies of Culterawes, Lindfay of Covingtoun, James Lockhart of Cleghorn, Sir William Fleeming of of Blaikwood, Farm, Mr. Archbald Robertoun of Bedlay, Walter Corbet of Towcorfs, James Dunlap of Gairnkirk, George Luke of Dalbeith, Sir Archibald Stewart of Castlemilk, James Hamiltoun of Manor-Eleistoun, James Stewart of Torrens, James Hamiltoun of Woodhal, Claud Murchead of Lauchop, Mr. William Cochran of Rochfoles, Sir Alexander Hamiltoun of Haggs, Mr. Andrew Hay of Inschnoch, Gawin Hamiltoun of Raploch, Hamiltoun of Raploch younger, John Bailie of Shirril, John Bell of Hamiltouns-Farm; Sir Robert Hamiltoun of Silvertounhil, Sir Daniel Carmichael of Maulfly, Sir James Carmichael of Bonnitoun, William Bailie of Lamingtoun, Sir William Hamiltoun of Prestoun, Sir John Harper of Cambus nethem, Sir John Whitefoord of Mylntoun, William Hamiltoun of Orbiftoun, William Hamiltoun of Wishaw, Alexander Hamiltoun of Dalyel, James Hamiltoun of Aikenhead, James Weir of Stainbyers, William Stewart of Allantoun, Mr. John Bailie of Jervistoun, Thomas Stewart of Cultness, James Murchead of Breadisholme, James Cleiland of that ilk, Cromwel Lockart of Lie, Sir William Maxwel of Calderwood, Sir William Lockhart of Carstairs, Walter Lockhart of Kirktoun, Robert Lockhart of Birkhill, Mr. Robert Bailie of Jerveswood, Mr. Andrew Hay of Craignethem, John Hamiltoun of Barncleuch, Mr. Archibald Nisbet of Carfin, Iames Young of Linbank, the Marques of Dowglas Conveener.

For the Shire of Damfries,

The Earl of Nithisdale, the Earl of Queensberry, Sir Robert Dalyel of Glennae, Sir Alexander Jarden of Aplegirth, Robert Greirson of Lagg, Thomas Kilpatrick of Closburne, James Menzies of Enoch, Robert Lawrie of Maxweltoun, George Maitland of Eccles, John Dowglass of Stenhouse, John Grierson of Capinoch, Robert Forguson of Craigdaroch, Robert Maxwell elder of Cairnsaloch, Dougal Maxwell of Cowhill, James Johnstoun of Corehead, John Johnstoun of Eastshieles, James Carruthers Stewart of Annand, John Alison of Glencorfs, Gawin Brown of Bishoptoun, John Carruthers of Holm-ends, Sir Patrick Maxwell younger of Springkel, Thomas Charteris of Empssield, the Duke of Buccleuch's Bailzie for the time, the Earl of Queensberry Conveener, or the Sheriff-Depute.

For the Shire of Wigtoun.

The Earl of Galloway, Sir Andrew Agnew of Lochnaw, Sir Godfray Mcculloch of Mertoun, Sir John Dalrymple younger of Stair, Sir David Dumbar elder of Baldoon, Dumbar younger of Baldoon, Robert Stewart of Ravingstoun, William Stewart of Castle-Stewart, James Dumbar of Mochrum, Richard Murray of Brughtoun, William Gordon of Craichlay, Patrick Mcdougal of Logan, George Stewart of Dindargy, William Stewart of Egerness, William Lin of Larg, James Mcdougal of Gillespick, Sir Andrew Agnew Conveener.

For the Shire of Air.

The Earl of Cassils, the Earl of Dumfries, the Earl of Lowdoun, the Earl of Kilmarnock, the Lord Montgomerie, the Lord Crichtoun, the Lord Cochran, the Lord Cathcart, the Lord Bargenie, the Ma. fler of Cathcart, Sir John Cochran of Ochiltrie, the Laird of Blair, Sir John Cunningham of Lambrugh. toun, the Laird of Cesnock, the Laird of Gadgirth, David Boswell of Auchinleck, William Crichton Sheriff-depute of Air, David Blair of Adamton, the Lairds of Enterkin elder and younger, William Campbell of Glassnock, Campbell of Shankstoun, Archibald Kennedy of Collen, Mr. Thomas Kennedy of Baltersan, Alexander Kennedie of Kilheugie, James Whitefoord of Dunduff, James Crawfurd of Ardmillan, John Cathcart of Carletoun, John Boyll of Kelburn, Sir Robert Barclay of Pearstoun, the Laird of Skelmorlie, Ross of Galstoun, Mr. James Cunninghame Crawfurd of Kerss, of Towre, Sir John Kennedy of Girvan-maines, William Wallace of Shewaltoun, John Schaw of Sornbeg, John Mcilvain of Grinat younger, Hugh Montgomery of Bridgend, Hugh Blair of Blairstoun, Mr John Boyd of Trochrig, Sir John Dalrimple younger of Stair, John Muir of Auchindrain, Alexander Ferguson younger of Kilkerran, William Cunninghame of Brown-hill, the Laird of Bishoptoun, David Montgomery of Lang-shaw, Robert Wallace of Holmstoun, William Wallace younger of Craigie, Kennedy of Kirkunchel, Mr. William Fullartoun of Corsbie, John Hamiltoun of Inschgottrick, the Laird of Blair Conveener.

For the Shire of Dumbarton.

The Earlof Kilmarnock, the Lord Lorn, John Napier of Kilmahew, William Buntine of Airdoch, Archibald Stewart of Scotistoun, James Fleming of Oxgang, Mr. James Fleming of Barlochan, John Cunninghame of Achinbarn, William Denistoun of Cougrain, Archibald Buchannan of Drumhead, Claud Hamiltoun of Barns, William Stirling of Law, James Colquhoun of Balvie, David Watson of Achintoshan, John Colquhoun of Camstroden, John Zuil of Darleith, John Noble Fiar of Ardardan, John Campbel of Carrick, Duncan Mesarlane of Clackan, Andrew Mesarlane of Arquhart, William Mesarlane of Drumfad, Walter Grahame of Calmgad, the Earlof Wigtoun, or Sheriff-depute Conveener.

For the Shire of Bute.

William Duke of Hamiltoun, Hector Bannatine of Kaimes, the Bailzie of Arran, Sir Robert Montgomery of Skelmorlie, John Boyl of Kelburn, Ninian Bannatine of Kaimes, James Stewart of Ambrismore, Mr. John Stewart of Ascog, William Campbel of Shalint, Archibald Bannatine of Lubas, Robert Stewart of Marknoch, William Stewart of Lenuchail, Donald Meneil of Kilmory, Archibald Stewart of Kilichinlik, Mr. Robert Stewart uncle to the Sheriff of Bute, Ninian Ban-natine of Kaimes Conveener.

For the Shire of Renfrew.

The Lord Montgomery, the Lord Cochran, the Lord Blantyre, the Master of Ross, Sir Patrick Howstoun of that Ilk, Sir Archibald Stewart of Blackhall, Sir George Maxwel of New-wark, Sir Archibald Stewart of Castlemilk, John Maxwel of Pollock, Cunninghame of Craigends, James Brisbane of Bishop-

Bishoptoun, George Howstoun of Johnstoun, William Hamiltoun of Orbistoun, Fleming of Barrichan, Sir John Schaw of Greenock, John Schaw bis Son, Crawfurds of Jordanhill elder and younger, James Bannatine of Kelly, James Dunlap of Houshil, Thomas Crawfurd of Curtsburn, Gavin Cochran Brother to the Earl of Dundonald, Francis Semple of Beltrees, Colin Campbel of Blythswood, John Brisbane of Frierland, Ludovick Stewart of Darnley, John Howstoun of wester Southbar, the Sherist-Depute of Rensrew, Sir Archibald Stewart of Blackhal, Conveener.

For the Shire of Stirling.

The Duke of Hamiltoun, the Earl of Callender, the Lord Forrester, Sir John Stirling of Keir, James Seatoun of Touch, Richard Elphingstoun of Airth, Hadden of Glenagies, Michael Elphingstoun younger of Quarrel, William Bruce of Newtoun, James Bruce of Powfoules, Alexander Bruce of Kinnaird, William Buchannan of Drumnakil, Livingstoun of west Quarrel, Mr. Thomas Napeir, William Edmonstoun of Broich, David More of Lecky, David Stirling of Carden, Norman Livingstoun of Milnhils, Mcsarlan of Kirktoun, Stirling of Halbertshire, Hugh Paterson of Bannockburn, Captain

Stirling, Sir Robert Elphingstoun of Quarrel, the Lard of Polmais, John Murray of Livilands, Campbel younger of Gargunnock, Mr. James Huntar of Carsbank, Cunninghame of Buchan, John Buchannan of that 11k, Alexander Monro of Bearcrests, Alexander Glass of Sauchy, Mr. Alexander Nairn of Green-yards, Mr. Andrew Oswald of Dalderse, James Guidlet of Abbotshaugh, the Laird of Hoptoun, Walter Rankine of Orchartoun, Alexander Livingstoun of Parkhal, Sir William Bruce of Stenhouse, John Bruce of Castlecairy, the Laird of Touch Conveener.

For the Shire of Linlithgow.

The Duke of Hamiltoun, the Viscount of Oxfoord, the Lord Livingstoun, the Lord Torphichen, General Dalyel, William Sharp of Howstoun, James Cornwal of Bonhard, Sir Alexander Livingstoun of Craigingath, James Hamiltoun of West-port, John Dundas of Maner, George Drummond of Carlowrie, James Monteith of Oldcathy, Campbel of Kilpont, Richard Elphingstoun of Airth, Alexander Cochran of Barbachlie, Walter Sandilands of Hilderstoun, Sir John Dalrymple of Newlistoun, Mr. John Hay of Woodcokdale, Mr. John Fairholm of Craiginal, Sir Archibald Primeross, of Caringtoun, Robert Hamiltoun of Dechmont, James Dundas of Philipstoun, John Hope of Hoptoun, Baillie of Polkennet, Dundas of Dudingstoun, Marjoribanks of Balbairdy, Carmichael of Pottishaw, Mr. William Dundas of wester Kincavel, James Johnstoun of easter Kincavel, Mr. John Eleis of Eleistoun, Robert Miln of easter Binnie, Collonel William Borthwick, the Earl of Linlithgow Conveener.

For the Shire of Perth.

The Marquess of Montrose, the Lord Maderty, the Lord Rollo, the Lord Ruthven, the Lord Bruntisland, Sir David Ogilvy of Clova, the Laird of Keir, the Laird of Glenagies, the Laird of Abercairny, Laird of Weems, Sir Patrick Kinnaird, the Laird of Gairntully younger, the Laird of Lawers, John Hope of Hoptoun, Sir Laurence Oliphant of Gask, Sir William Murray of Ochtertyre, the Lairds of Kinfands elder and younger, Grahame of Urchil, Sir Colin Campbel of Aberurquhil, Patrick Stewart of Ballachen, the Laird of Glenlyon, George Drummond of Blair, Colin Campbel of Munzie, the Laird of Keithick, John Murray tutor of Stormont, John Campbel of Edinample, Henry Murray of Lochlan, David Tolhoch of Monyvaird, Drummond of Comry, George Drummond of Milnab, James Menzies of Culdares, George Campbel of Crunan, the Laird of Balgirso, Robert Campbel of Glenfallor, Drummond of Innermay, Sir Alexander Blair of Balthayock, James Grahame of Monorgan, David Kinloch of Aberbothry, David Fullartoun of that Ilk, the Laird of Fittendiens, Sir Patrick Threepland of Kinloch of Gowrdy, Fingask, Patrick Murray of Keillor, Andrew Blair of Inshyray, Mr. John Blair of Batnigle, John Murray of Pitculan, John Buchannan of Ardinpryor, Patrick Hadden of Lanrek, Mr. James Edmonstoun of Newtoun, James Person of Kippenross, John Drummond of Machany, William Drummond of Cromlix, John Murray of Strowan, John Drummond of Pitkellany, James Ramfay of Bamff, James Rattray of John Graham of Burgowan, James Murray of Arthustain, Mr. Robert Ross of Innernethy, Sir George Kinnaird Conveener.

For the Shire of Kincardin.

The Earl of Southesk, the Earl of Middletoun, the Earl of Kintore, the Viscount of Arbuthnet, the Lord Rosehil, the Lord Hackertoun, Sir Alexander Frazer of Dors, the Laird of Lowriston, Sir Alexander Falconar of Glentarquhar, Sir John Falconar of Bomakelly, Thomas Burnet of Leyes, Sir Charles Ramsay of Balmayne, Robert Grahame of Morphy,

Bannerman of Flsick.

John Barclay of Johnstoun, William Rate of Halgreen,

Wood of Balbegno, Sir Alexander

Carnegy

Carnegy of Pittaro, Mr. William Ramfay of Woodstoun, Frazer of Kinmundy, Mr. Iames Falconer of Phesdo, Major George Keith of Whiterigs, Menzies of Pitsoddels, Irving of Kincousie, Mr. Robert Petrie of Portlethem, the Laird of Bogny, Mr. Iames Douglas, George Keith of Knox, Robert Keith of Bredcloa, Burnet of Glenbervy, Andrew Middletoun of Pitgarvy, William Barclay of Balmakewen, the Sheriff principal of Kinkardin, or the Sheriff-depute Conveener.

For the Shire of Aberdeen.

George Marquess of Huntly, Earl of Dumfermling, Alexander Lord Pitsligo, Alexander Master of Saltoun, William Frazer fon to the Master of Saltoun, Sir George Gordon of Haddo, Alexander Irvin of Drum, Adam Urquhart of Meldrum, Sir Richard Maitland of Pitrichie, Iames Gordon of Lesmore, Iames Frazer of Tyrie, Iohn Fularton of Dudwick, Sir George Gordon younger of Geight, Iohn Gordon of Fechel younger, Elphingstoun of Glack, Sir Robert Innes of Pitfoure, Patrick Lesly of Balquhon, John Gordon of Knockaspick, Arthur Forbes of Brux, Mr. Thomas Gordon of Buthely, James Urchquart of Knockleith, Francis Abercromby of Feterneir, Sir John Forbes of Craigivar, Adam Gordon of Achanachy, Forbes of Lefly, Francis Ross of Achlossin, Simeon Frazer of Innerallachy, Mr. Alexander Udney of that ilk, George Skeen of Fintry, Patrick Lefly of Kincragie, Cuming of Birns, Mr, George Nickolfon of Clunie, David Edie of Newark, David Tyrie of Drumduy, Mr. Patrick Sandilands of Cottoun, Patrick Cheine of Ardmurdo, John Gordoun of Achinhoove, George Gordoun of Edinglaffie, Iohn Lindsay of Tyrie, Gordoun of Badinscoth, Adam Gordoun of Glenbuket, Mr. Alexander Forbes of Ardo, James Keith of Tilligony Skeen of that ilk, Robert Udney of Achteral. lan, Alexander Forbes of Ballogie, Patrick Dun of Tarty, William Forbes of Campbel, James Chalmers of Balbeithan, Sir William Keith of Ludquharn, Thomas Frazer of Streichen, Areskine of Pit-Gordon of Lesmore younger, James Forbes Tutor todrie, John Forbes of Pitnacaddel younger, of Wattertoun, Mr. Thomas Forbes of Rabshaw, Sir John Forbes of Monimusk, Burnet Burnet of Craigmyle, Burnet of Sachen, of Leyes, Arbuthnet of Cairngal, Andrew Frazer of Kinmundie younger, George Keith of Lentush, Morison of Bogney, Baird of Achmeddin younger, Sir Hary Guthrie, Walter Forbes of Blacktoun, George Keith of Knock. The Earl of Errol, or Sheriff-Depute of Aberdeen, Conveener.

For the Shire of Innerness.

The Marquess of Huntley, the Lord Down, the Lord Medonald, Iohn Meleud of Dunevegan, Sir Donald Medonald of Slait, Hugh Frazer of Balladrum, Lachlan Meintosh of Torcastle, Donald Meintosh of Kellachy, the Laird of Moydart, John Forbes of Culloden, the Laird of Streichin, Hugh Frazer of Kinnaries, Lachlan Meintosh of Abivarden, Duncan Mepherson of Cluny, Meintosh of Barlum, Alexander Bailie of Dinneans, Sir Hugh Campbel of Caddel, Thomas Frazer of Bewfort, the Sheriff-principal of Innernesse, or Sheriff-depute, Conveener.

For the Shire of Nairn.

Sir Hugh Campbel of Caddel, Hugh Ross of Kilraoch, Hugh Ross of Clavock, Iohn Ross of Braidley, Duncan Forbes of Culloden, James Dumbar of Boath, John Hay of Lochloy, Alexander Brody of Lethem, Iohn Hay of Brishmonie, Sutherland of Kingstary, Donald Campbel of Boghol, William Campbel of Delneis, Sheriff-depute of Nairn, Sir Hugh Campbel of Caddel Conveener.

For the Shire of Cromarty.

The Laird of Cromarty, Alexander Urquhart of Newhal, George Dollas of St. Martines, Hugh Dollas of Glenurquhart, Alexander Cluneys of Neilson, Colin Dumbar of Rosasolis, John Urquhart of Newhal younger, the Laird of Cromatty Conveener.

For the Shire of Argile.

The Lord Lorn, the Lord Neill Campbel, Sir Hugh Campbel of Caddel, Donald Campbel of Parbreck, Sir Duncan Campbel of Achinbreck, Neil Campbel of Duntroon, Ronald Melashter of Tarbet, Donald Campbel Captain of Craigneish, Archibald Melachlan of Craigintarve, Alexander Campbel of Kilmartine, Angus Campbel of Kilberrie, Colin Campbel of Glenan, Gory Melashter of Loup, Walter Campbel of Skepnish,

Melachlan Captain of Inshconil, Duncan Mecorquodail of Phantalownes, Collin Campbel of Ardkinlas, Lachlan Melachlan of that ilk, Iohn Campbel Captain of Carrick, John Campbel Captain of Dinnoon, James Campbel of Glenderowel, Collin Campbel of Otter, Archibald Campbel of Orundail, John Campbel of Ardintennie, John Mearther of Arthurhal, the Bailzie of Kintyre

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for the time, Duncan Campbel Bailzie of Jura, Alexander Campbel of Lochnell, Alexander Campbel Captain of Dunstaffnage, Alexander Campbel of Burchaltoun, Archibald Campbel of Inneraw, John Campbel of Innerveldes, the Earl of Argyle, or Sheriff-Depute of Argyle, Conveener.

For the Shire of Fyfe,

The Earl of Southesk, the Earl of Baleuras, the Lord Dunkel, the Lord Burnt-Island, the Master of Burleigh, the Laird of Lundy, the Laird of Anstruther, the Laird of Earleshal, Sir William Sharp of Scotileraig, Sir Michael Balfoure of Denmylne, John Malcome of Balbedie, James Law of Bruntoun, the Laird of Wormestoun, the Laird of Forthar, Sir John Altoun, the Laird of Durle, the Laird of Halvards, Mr. David Weymes of Balfarg, James Carmichael, Mr. John Dempster of Pittiver, Mr. James Robertson of Newbigging, the Laird of Fordell, the Laird of Rossyth, Mr. James Cheap of Rossie, the Laird of Pittrevie, John Geddy of St. Nicolas, Sir Charles Halket of Pitsteren, Sir William Bruce of Balcaskie, Sir Alexander Bruce of Broomhal, the Sheriff principal, or Sheriff-depute Conveener.

For the Shire of Bamff.

The Marquess of Huntly, the Earl of Findlator, David Lord Ogilvie, the Master of Saltoun, Sir Parick Ogilvie of Boyn, Andrew Watson of Pethhead, Sir Alexander Abercromic of Birkinboig, Sir James Baird of Achmedden, Sir Hary Guthrie of Kingsward, James Gordon of Rothemay, John Gordon younger of Rothemay, John Ogilvie of Kincardin, Walter Ogilvie of Ragwel, George Gordon of Thornibank, Mr. John Abercromy of Glassie, James Baird younger of Achmedden, George Gordon of Edinglassie, Lesly of Knnivy, Hay of Rames, Anderson of Westertoun, Alexander Hay of Arnibath, Alexander Ogilvie of Fordland, Alexander Dasso, Alexander Gordon of Arradoul, Alexander Gairn of Troup, George Keith of Northsteld, John Innes of Edingeith, Mr. John Lesly of Tulloch, John Campbel of Friertoun, Alexander Abernethy of Achmedden, Sherisf-principal, or his Deputes to be

Conveener.

For the Shire of Fortar.

The Earl of Southesk, the Earl of Panmure, Viscount of Arbuthnet, Lord Ogilvie, Lord Rosehil. Sir David Ogilvie of Clova, James Carnagie of Phinhaven, David Erskin of Dun, Sir David Ogilvie of Innerquharity, the Laird of Piccur, the Laird of Edzel, Sir John Wood of Bonnitoun, David Fothringhame of Wester-powrie, James Carnagie of Balnamoon, John Graham of Fintrie, James Creightoun of Ruthven, Sir Francis Ogilvie of Newgrange, John Grahame of Claverhouse, William Fullarroun of that Ilk, James Grahame of Monorgan, John Ogilvie of Pitmowies, John Ogilvie of Balsour, Patrick Weyntoun of Strickmartine, John Gairden of Laton, John Achterlony of Guynde, John Lyon of Cossens, Laird of Nevoy of that Ilk, William Lyon of easter Ogil, George Lyon of wester Ogil, William Gray of Innektoun, Durhame of Grange, John Ogilvie of Peil, Robert Car-Durhame of Ardowny, Mr. Patrick Lyon of Cars, John Carnagy of burn of Blackness. John Ogilvie of Colstoun, Ogilvie of Logie, rightie, John Scrimgcour of Kirktoun, negy of Newgate, Durha Cockstoun, Wedderburn of Blackness, John Ogilvie of Colstoun, Scot of Logie, Scot of Rossie, Robert Fletcher of Ballinshoe, Murshil, the Laird of Oldbar younger, John Ramsay of Acharrach, the Laird of Boysack younger, Sir John Falconar of Galray, the Laird of Findowrie, the Laird of Balyordie, the Laird of Balrownie, Mr. John Lammie of Dunkenny, Yeaman of Dryburgh, Alexander Wedderburn of easter Pourie, Duncan of Lundie, the Laird of Kincaldrum, Kinnetles, the Laird of Achinleck of that Ilk, the Laird of Dyfart. the Laird of Cairnie, Alexander Mur-Carnegie of Balmachie, the Laird of Innergowrie, ray of Melgum, the Laird of Stracathrow, George Innes of easter Dunoon, David Lyon of Whitewals, Kid of Craigie Guthrie of wester Seaton, the Ramsay of Bambreich elder, Livingstoun of Memus, Henry Crawfurd of easter Scaton,
Laird of Pitscandlie, Thomas Nairn of Bank, Ramsay of Bambreich younger, the Earl of Strathmore Conveener.

For the Shire of Orkney.

The Stewart of Otkney, Robert Stewart of Newark, Kenneth Mckenzie, Hary Grahame of Brekness, Arthur Baillie of Tankerness, Mr. Alexander Mckenzie Son to the Bishop of Orkney, Grahame of Grahamshal, the Stewart, or his Depute Conveener.

For

or the time. Duncan Case: et Duitzie of Dializie of Dializie of Duntaling Cample! Accender Care Duntaffrage, Alexander Care Dializie Accended Accedent Cample of Innoran The Stewart of Orkney, Arthur Sinclar of Howes, Laurence Sinclar younger of Quendale, Andrew Bruce tutor of Munes, William Bruce of Soundburgh, Hugh Sinclar of Burgh, Thomas Lefly of Ustaines, George Monat of Hamnavoe, the Stewart, or his Depute Conveener.

For the Stewartry of Kirkcudbugh.

The Earlof Nithisdail, the Viscount of Kenmuir, Sir David Dumbar of Baldoon, Richard Murray of Brughtoun, Sir Godfray Mcculloch of Mertoun, Sir Robert Maxwel of Orchartoun, Alexander Megicof Balmagie, Roger Gordon of Troquhan, Grierson of Bargatton, William Megustock of Rusco, Thomas Lidderdale of Isles, the Laird of Park, William Gordon of Earlestoun, John Muir tutor of Cassincary, the Stewart principal, or his Depute Conveener. Grierfon of Bargatton, William Meguffock of Rusco,

For the Shire of Sutherland.

The Earl of Sutherland, the Lord Duffus, the Master of Rae, the Laird of Balnagowan, Robert Gordoun of Skibo, william Gordoun of Delfolly, Robert Gordoun of Carrel, John Gordoun of Garty, John Gray of Arbo, William Baillie of Brora, Sir Robert Gordoun of Embo, William Sutherland of Skelbo, John Sutherland of Clyne, John Gordoun younger of Carrell, Robert Gordoun of Rodgait, the Sheriff. Principal, or Sheriff-Depute, Conveener.

For the Shire of Cathness.

Sir William Sinclare of May, John Sinclar of Murthil, William Sinclar of Dumbaith, Mr James Innes of Sandfide, James Sinclar of Fesswick, John Sinclar of Brims, William Dumbar of Hemprigs, Francis Sinclar of Stirkak, John Sinclar of Ulbstar younger, David Murray of Clarden, Colin Campbel of Carquhin, David Sinclar of Southdun, Alexander Smart of Wester, Patrick Sinclar of Ulbstar, the Sheriffdepute of Cathness for the time, the Bailzies of Thurso for the time, the Earl of Cathness, or Sheriffdepute of Cathnels Conveener.

For the Shire of Elgin.

James Lord Downe, James Lord Duffus, Sir Robert Innes of that 11k, Alexander Innes of Cockftoun, Alexander Dowglas of Spynie, Thomas Dumbar of Grainge, Sir Robert Dumbar of Graingehil, David Dumbar of Dumphail, James Calder of Muirtoun, Thomas Kinnard of Cowbin, John Cuming of Logie, David Stewart of Newtoun, the Laird of Innes to be Conveener.

For the Shire of Clackmannan.

The Laird of Clackmannan, the Laird of Tullicoultrie, the Laird of Tullibody, John Keiry, George Stirling, the Laird of Alva, Master Francis Mastertoun of Parkmiln, the Laird of Clackmannan Conveener.

For the Shire of Ross.

David Ross of Balnagown, John Monro of Foulis, Sir George Monro of Culrain, Colin Mckenzie of Reidcastle, Roderick Mckenzie of Kinwhillidrum, Mr. Roderick Mckenzie of Findorn, Mr. John Bayne of Delmy, Sir Kenneth Mckenzie of Coull, Alexander Mckenzie of Coull, younger, George Paterson of Seafield, John Ross of Collace, Alexander Mekenzie of Scatwall, Donald Bayne of Tulloch, Alexander Mekenzie of Kilrane, Kenneth Mekenzie of Suddie, Hugh Monro of Newmuire, Sir George Mekenzie of Tarbet Conveener.

ND OR DAINS the first meeting of the Commissioners for the several Shires, to be at the Headburghs thereof, upon Wednesday the fourth day of September next; and appoints the Major part of the saids Commissioners, named for the respective Shires, to be a Quorum, at their first meeting, who are to appoint the next dyet of meeting, and the Major part of fuch as shall meet at the second dyet, or upon advertisement from the Conveener, at any other dyet, to be a Quorum: With power to the saids Conveeners, for the saids Shires respective, to call the Commissioners to relaids, at such dyets thereafter as they shall find necessary, for the effectual execution of this Act; and remits to His Majesties Privy Council, to nominate fuch other persons to be Commissioners of Assessment, as they shall see cause.

And for the Burghs, His Majesty with advice foresaid, nominats and appoints the Magistrates of the same, for the time being, with power to them to choose Stent-masters, within their respective bounds: Which

Commissi-

Commissioners, are hereby ordained to accept and discharge their trust, as they will be answerable; and that at their acceptation thereof, to take the Oaths of Allegiance; and for doing their duty faithfully in the matter of this administration: and to sign the Declaration appointed by Act of Parliament, to be signed by all persons in publick Trust. And His Majesty, with advice foresaid, doth hereby impower the saids Commissioners, to prescribe and set down such rules and orders within the respective Shires and Burghes, as may be most effectual for the speedy and easie raising, levying, and bringing in of the said supply, and ordaining and doing every other thing that may concern the same: And particularly, with power to them to choose their own Collectors, for ingathering of the said supplie, for whom they are to be answerable; and to allow them, and their Clerks, such Fies (to be payed by the Shires and Burghes) as they shall think fit. And which Fies are hereby declared, to be over and above the foresaid supply, and no part of the same: and which

Collectors, and Clerks, are to take the Oaths, and fign the Declaration forefaid.

And the Kings MAJESTY, with advice and consent of His Estates, Ordains all execution, real and personal, to pass at the instance of the Collector General, and the Collectors of the respective Shires, and Burghs, against all persons deficient in payment of their proportions as formerly. And also impowers the Commissioners by their Officers, to arreast, poind, and distrenzie, the Goods, and imprison the Persons, of the deficients, ay and while they make payment of their just proportions, and necessary expenses. And for the more ready and effectual payment, doth also impower the Commissioners, and Collector General, to Quarter upon Deficients, with this express proviso, that every Horse-man that shall be upon the place, shall have only free fingle Quarter allotted to him upon the persons Deficient, or by Quartering in Burghs and Villages, as the Commissioners shall appoint to be fatisfied, and payed, by the Desicients, and not by these on whom they are Quartered, except where they themselves are Desicient: and in that case, to have fifteen shillings Scots a day, from the time of presenting the Order to the Collector, upon whom they are to Quarter, until he give them a list of the Deficients, and the sums wherein they are Deficient, and thereafter to Quarter upon the Deficients: And each Dragowner, to have ten thillings Scots a-day: And each Footman to have four shillings Scots, or his Diet, as the Commissioners shall order; and the Commander of the Party of Horse, Dragowns, or Foot, to have only double Quarter, or pay of an Horse-man, Dragowner, or Foot-man, as he serves. And declares, that in order to the Quarters, and matters relating to the inbringing of this supply, any three of the Commissioners shall be a Quorum, and who are impowered to proportion upon, and raise from the Deficients, the expence and charge of their deficiency; and to see payment made to these on whom the Souldiers are Quartered, who were not Descient. And further, His Majesty, for satisfaction of His good Subjects, is graciously pleased to declare, that all Officers and Souldiers, Horse-dragowners, and Foot, shall make due and punctual payment of their Quarters, Local and Transient, as the same shall be appointed by the foresaids Commissioners, according to the Rates of the Countrey:

And in case the Souldiers do not pay their Quarters, that the Quarters be stated betwixt the Quarter-mafters, or other Officers, andany two of the Commissioners: And the accompts being stated, and fitted, that they be payed, or allowed by the respective Collectors, in the first end of what is due by the Shire, or Burgh, where the faids Quarters are owing, Providing the faids Quarters exceed not two parts of their Pay; and which stated Accounts are to be allowed to the respective Collectors, by the Collector General, and to be by him retained off the first end of the Troops, or Companies Pay. And in case the Officers remove before their Accounts can be stated, in that case the Collectors of the Shires, and Burghs are to retain what after tryal the faids three Commissioners shall find resting, till the Accounts be stated in manner foresaid; and the said retention for Quarters to Commence from the last of November next, in this instant Year, one thousand, six hundred, seventy and eight. And His Majesty, with advice of the saids Estates, doth declare, that no Persons lyable in any part of this Supply, shall be holden to produce their Discharges, or Receipts of the fame, after the tenth day of June, one thousand, fix hundred, and eighty fix Years, unless where diligence hath been done by denunciation, before elapsing of the said tenth day of June, one thoufand, fix hundred eighty fix. And the Convention of Estates doth declare, that this supply now granted to His Majesty, is over and above the former Supply, of four hundred, and fourscore thousand Pounds, granted by the Parliament, in the Year, one thousand, six hundred, sixty one, to His Majesty yearly, during His Life-time; and al's by and attour the remainder of any other Supplies, formerly granted, yet resting unpayed. And Ordains these Presents to be Printed and Published.

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Replegistion.
Reficiliorie Acts.
Response.
Retour.
Reversion.
Retour.
Reversion.
Revocation.

Salte of Lands.
Salte of Lands.
Salte of Lands.
Salte.
Sawing.
Schooles.
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Seal and Sealing.
Separation.

Somers,
Speare.
Spuilzie.
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btranger.
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Superior. Superfedere. Superfittion. Supply. Suipension.

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Thirds.
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Tobacco.
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Trespais. Trewes. Turner and Corator.

Victual. Violent Poffessor.

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W Odfer.
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Warning.
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Wayes.
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Weavers.
Weights.
Wife.
Wid Beafts and FoulsWine.
Witch Craft.
Witnefs.
Common-women.
Wood.
Woolf.
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Writers.
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Y Eardes. Yares. Youth.

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AN

ABRIDGEMENT

OF THE

ACTS OF PARLIAMENT,

Digested into HE ADS, Set down after the order of the Alphabet.



BERDEEN.

All, Granting to the Town of Aberdeen, an yearly Fair on the Mononday before Whitionday, to continue for eight dayes with the hall Juridictions and Cuftomes thereof. Jam. 6. Pat. 13. Cap. 186.

Confirmation by King, and Parliament, To the Town of Aberdeen of all Annuels, Fewfermes, Chaplanties, and Prebendaries, Whether Chaplanes of their Parith Kirk, and contained in their gift. Ibid. cap. 189.

ABSENT.

The canfes of all Merchants, and others abroad not animo morandi, and there dying, mould be diffusfed before their Ordinaries within the Realme, By whom their Testaments are confirmed. Jam. 1. par. 6. cap. 89.

See passing from of the Realme.

ACT and LETTERS.

ACT and LETTERS. All and Letters of continuation of Sum cap. 6. See the Act in Summends.

ACTION, See Judge, and Summonds.

In all Address in the Temporal Course, The partie perfewer if prefent, shall swear, That the cause he trowes is good, and leill, Jam. 1, par. 9. cap. 125. See there the form of the Oath, to be swear by the Advocat in the faul of his Client absent.

the form of the Oath, to be swam by the Advocat in the faul of his Client absent.

That all parties first pass to their Judge ordinarie and persew Justice. Ja. 3. pat. 5. eap. 27. See it in Judges.

That all Civil Astrons be first persewed before the ordinaries, as Justice. Chamberlain, Shirrest, Barron. Frovest, and Baillies, and others; And that there be onlie persewed before the Lords of Session, Actions, pertaining to the King, or moved by Kirk-men, Widows, Orphanes, Pupils, or Strangers, or Complaints upon other Officiars, In which last case the Enrolments of the Officers Court are to be produced, and this Act to indure untill the mixt Parliament. Jam. 3, pat. 14, cap. 105.

If either Desender, or Persewer, in any Action, shall slay, wound, or Invade, the other, so as may be ground of a Criminal persuit, or that he be airt, and pairt, thereof at any time, from the executing of the Sunanonas, untill the complete executing of the Decreet. If it be the Desender, he fault be condermed without any other probation, then that the Invader is convict, or denunced for the deed by the Justice, or other Criminal Judge: And if the persewer be the Invader, That on the like probation the Desender be associated, and the saids Sentences to be Irreducible, even on the head of Minorities, or any other ground. Bem, the Invader being denunced for not finding easition, or not compensance, That immediatile he time his Life-rent escheate: And the King promises, is easy other grounds to be reput, as Conviction, to the effect forefald; And this Act to indure. For seven years, Jam. 6, p. 8. cap. 138: But thereaster made a perpetual Law. Jam. 6, p. 2. cap. 138: But thereaster made a perpetual Law. Jam. 6, p. 2. cap. 138: But thereaster made a perpetual Law. Jam. 6, p. 2. cap. 138:

ADHERENCE See Marriage.

ADHERENCE See Marriage.

ADJUDICATION See Compryssings.

Adiadication Declared Redeemable within feven years of the date, at the inflance of Con-creditors. one after another, according to their diligences in adjudging in like manner; By payment of the principal sumanes coursined in the Seatences of Adjudication, and Amuslients thereof, with the expenses made in obtaining the same, at the Lords of Session their Modification, Deducing always the Prior adjudgers their Intromissions, and the victual-tent to be estimated the Common price of the Shire, betwixt Zule, and Candlemers. Item 4 Minor Renucing to be Aire in his Minoritie, may be reponed, and redeem, by payment, and lofeth all the Priviledges granted to Minors, in Comprysings, Jam 6, paz. 23. cap. 7. The Ast 1661. Anon Compryssing, Extended to Adjudications, in all points. Car. 2, par. 1, Sest. 1, cap. 62.

That the superior have an years dewise for the entring the Adjudger, as for entring the Comprising, and compryssings, be in all cases alike, as to the Superiors. Car. 2, par. 2, Sest. 1, cap. 18.

That in place of Compryssings, the Lords of Session, at the instance of any Creditor adjudge, and decem to him in satisfaction of his Debt, as the same shall be decembed by the Lords, such a part of the Debitors estate formerlle Apprissable, as shall be worth the principal summe, and Annual-tent resting, and a fifth patr more, for the Creditors want of the use of his money, beside the composition to the Superior, and expenses of the Insessment, and his Adjudication to proceed on probation, for the Creditor, and also for the Debitor, if the define it, of the value of the Land, and what it hath paved for five years bygone, and may pay, and

what the rates are in the Country where it lyes: with power to the Lords, to determine on the warrandice; Upou which Adjudication the Creditor shall have immediatile the Intromission for his Annual-rent without being lyable to compt and reckoning. And in case the Lands, and others adjudged be affected with Liferents, or otherwayes yeeld no tent, the same shall be expressed in the Decreet, and the Annual-tent effecting to the inlaik of the rant is to be added to the principal, at the Redemption, and the Lands and others adjudged are to remain Irredeemably, with the adjudger, it not redeemed within five years, be payment of principal, and Annual-rents, Composition to the Superior, and expenses of obtaining Infestment, and Annual-rent of the same inlaicking, as faid is. Item the Creditor, may use all manner of Execution, personal, or real, for his Debt, against Principal, or Cautioner, until he get assume that no Applylling be led hereafter of Lands or rights, unless they be already Apprissed, by another Creditor, Bot if the Debitor produce not the evidents of the Lands, and others adjudged, with a sufficient right thereof at the Lords sight, and if he renunce not all right, and possession, and Ratisse the Decree of Adjudication, then the Creditor may adjudge all Estate belonging to the Debitor, in the same manner, as is the might have comprissed it before, conform to the Act 1661, and under the same Reversion. Item, the Superior and Adjudger are Declared to be in the same case after citation in this Process, as if comprissing were led, and a charge given thereon; and thit Adjudications so be allowed, and recorded, as Comprissings. Car. 2, par. 2, Sess. 3, Cap. 19. Anno, 1672.

ADMIRAL.

A D M I R A L.

That the Admiral exerce no Junistiction, nor exact no kind of dewrie, or casuality bot according to the use, before the Death of King James 1th, Norwithstanding of any greater specialitie comained in his insections, the Norwithstanding of any greater specialitie comained in his insections, the specialitie comained in his insections. James of Horning pass upon their Decrees, steklike no on Shirresses, &c., By the Act Jam. 6. par. 19. cap. 10. Jam. 6. par. 20. cap. 13. And this Act Ratified, and the Court of Admirality Decremed to be a Soversign and supon fresh waters, or navigable Rivers, below the first Bridges, or within the highest blood marks: That he high Admiral is his Majoshir's Lieutennant, and Justice General on the Seas, And in all ports, Harbours, or Creeks hereof, and upon fresh waters, or navigable Rivers, below the first Bridges, or within the highest blood marks: That he high the fole Jutisdiction in all Martrime causes, forceign, or Domestick, Civil, or Criminal, exclusive of all other lodges: This he may cause parties find caution, both for compearance, and performance: That he may punish the breakers of his arrestments, and deforcers of his Officers, and hash right to their sines: That he faid high Court may reduce the Decretes of Inferiour Courts of Admirally, and also review its own: That there be no Advocation from the faid Court, and no sufferenced of their Decreets; Bot by the whole Lords in time of Session, and three Lords in time of Vacance, and they be discussed summarly. And lastice conducts, to all ships, And all Acts and Customes contract to this Act are referenced. Car. 2. par. 3. cap. 16.

A D III. T F.R I F.

ADULTERIE.

That open, manifeft, and incorrigible Adulterers, after the Kirk censures executed upon them, be denunced Rebels, and their guides escheat, Q. M. Par. 5. cap. 20. That open and manifest Adulterers after due monition made to them to obstain, be panished to the death, referring the former Laws against other Adulterers, Q. M. Par. 9. cap. 74. And notour, and manifest Adulteric, worther of death, Declared to be, where baims are procreat, or the Adulterers keep company, and bed together, notoriouslie, or when suspect, and dulie admonished, they refuse the Kirkby Repentance, or Furgation, And are thetefore excommunicat, Jam. 6. par. 7. cap. 105. A Woman divorced for Adulteric, and married, or opensite at bed, and buird resorming in company with her Adulterer, may not annualize her Lands, or possessing in company with her Adulterer, may not annualize her tother Airs. And all such alienations, aswell since fully 1327, as in time coming, are declared null, by way of exception, in all Courss, Jam. 6. par. 12. cap. 117. All Marriages beswirt persons divorced, and their Adulterers, Decenned to be unlawful, and null, and their issue inhabile to succeed to their Parents, Jam. 6. par. 16. cap. 20. rents. Jam. 6. pat. 16, cap. 20

ADVOCATS See Session.

Fromise and Oath of the three Estates not to maintain, defend be Advocats, for, or stand at the barwith manifest Traitors, and other Notorious Malesastors, bot only to competi with their Kin and Friends in sober wayes, defence of them in honest actions. Jam. 3. par. 14. cap. 98. See it in Treason.

Advocats may frielic compeas for, and defend persons accused in Parliament for Treason, or otherwayes. Jam. 6. par. 11. cap. 38. And this warrant morefullic given as to Treason, and all other crimes before any Judge, and that the Judge may compel them to procure in case of their refuse. Ibid. cap. 90.

Advocats Fees, see the A& of Regulation. Cat. 2. par. 2. Sess. 3. cap. 16.

ADVOCATION See Declinatour.

That no Advaration of causes be from the Judge ordinatie, Except for deadly feede, or that the Shirreff principal or the Judge be partie, or in the causes of the Members of the College of Judice. Q. M. Par. 6. cap. 39. Bot this Act is anear the warning of Tennonts, and what is subjoyined anent Advocations, may feem to relate

A& discharging the relate to the Actions of removing therein mentioned. Act discharging Lords of Session, to grant Advocations from Judges competent, for sums within Merks, or for any cause whereus not the Inserior Judges is by Law expression ed to be judge. Cat. 2. par. 1. Sess. 3. cap. 9.

AIRE and AIRESHIP.

oveable Airthip of Barrons, is the best of ilk a thing, after the Statut of w Laws. Jam. 3, par. 7, cap. 54, its who were at the field of Striling, with King James the 4th be not pre-their Predecessors, but all Allenations made sensions to their hurt, are

the Burrow Laws. Jam., p. par. Jam., p. par. That Airs who were at the field of Stavling, with King James inc., and judged by their Predecessors, but all Alienations made sensyne to their hurt, are Declared void. Jam., p. par., 1. cap. 6.

The Creditor may follow the Aire after a year, because the Executor in that year hould be responsal, and the Aire may put him to compt, and cause him find caution. Jam. 4, par. 6. cap. 76.

Airs of perfect age lying out unentted, may be charged on Fourtie dayes, to enterto their Lands, year and day being past, after their Predecessors death: And on their failzie Comprissing may proceed, Redeemable alwayes, in seven years. Jam. 6, par. 7, cap. 706. And this course may be taken against them, albeit Minors. Jam 6, par. 23. cap. 6. and aswell for their own, as their Predecessors Debts, And the former Act is thus expressive extended. Jam. 6, par. 23. cap. 27.

That the Creditors of the Desunch, be preferred to the Creditors of the Appearand Aire, as to the Desunchs Estate. Provyding they doe diligence against the Appearand Aire, and real Estate of the Desunch, within three years after the Desunch Secale: I term that no right, nor disposition, made by an Appearand Aire, in prejudice of his Predecessors Creditors, be valid, unless made a full year after his Fredecessors Death. Car. 2-par. 1. Sess. 1. cap. 24.

An Appearand Aire, or Considerate his behoose, acquiring right to an expyred Comprissing led against his Fredecessor, the same is Declared Redeemable within the space of ten years after the acquiring, by any posterior Comprisse upon payment allanety of the sums sums payment allanety of the sums rusine payed out for the same, At least what is resting thereof, unsatisfied by the Appearand Airs, or Considents intromission. Car. 2. par. 1. Sess. 1.

ALE, and BEIR.

The prices of Alc, and drinking Beir, should be fet by the Lords of Council, cording to the rates of the rough Beir, and Barley. Car. 2. par. 2. Seff. 1.

ALIENATIONS Double.

He who gets Lands, or Annual-rents, by fale, or disposition, where warrandice may fall; and bruicks the same year and day, by labouring, or uplifting the mails and dewties, is preferred to the person havand privat state and saling of the same of before, and not publickly Infest. Item, That no man grant such double fallenations, or double Assentiations, or Assentiations, and that no Over-lord receave double resignations wittinglie, under the pain of Insamie, and to be punished in person, and gudes. Jam. 5. par. 7. cap. 105. And farder that double dispositions be not made, and the making hereof is Declared, to be Crimen sellionarius. Jam. 6. par. 12. cap. 141.

Alienations made by Traitors, after the committing of the Crime, are null. Jam. 6. par. 2. cap. 36.

Jam. 6, pat. 2. cap. 36

ALIENATIONS Fraudfull.

Reductions of Alienations in defraud of Creditors, are Priviledged upon Twene one dayes warning, without dyet, table, or continuation: And before the
artie receaver of the Alienation, be admitted to produce and answer, he should
onligne in the Clerks hands, a sum to be modified be the Lords, and given to
the persewer, in case the Alienation be found to be fraudfull. Jam. 6. par. 7.

the persewer, in case the Alienation be modified be the Lorus, and girch the persewer, in case the Alienation be found to be fraudfull. Jam. 6. par. 7. Cap. 118.

All Alienations, Dispositions, and Assignations, made by Debitors, of their Lands, Teinds, Reversions, and Gudes whatsumever, to any Conjunce, or Confident person, without a true and just cause, a ster the contracting of their Debts, may be Declared null, at the instance of just Creditors: And if any third Partie purchase lawfully the saids Lands, or Gudes, from the said Conjunces, or Confidents, his right shall stand : But the Receaver of the price, shall be lyable to make the same furth coming to the saids Creditors. Item the fraud may be proven by writ, or oath of the Partle Receaver of the said security, that it was without any true, and just cause, or that the Lands, and gudes being again fold, the price, or most part thereof was, or is to be converted to the Bankrupts use; Provyding alwayes. That what of the saids Lands, and Gudes, or price hereof, shall be reallie applied by the saids interposed Persons, to the Bankrupts lawful Creditors, shall be allowed, they making the rest furth coming. Item if any Dyvour, or his Confident. shall make any voluntar payment, or right, in defraud of the more timelie lawful diligence of another Creditor, having used Inhibition, Horning, Arrestment, Comprissing, or other lawfull mean, to affect the Dyvours Lands, Gudes, or price thereof, The Dyvour, or his Confident, shall be holden to make the same furth coming, to the more rigilant Creditor, who shall be preferred to his said Con-creditor, And have action to make the same furth coming, and all Bankrupts, and their interposed Persons, for covering their frauds, and all their wilfull Assisters therein, by Council, or otherwayes, shall be repute Insamous, incapable of honour, or office, or to pass upon Inquests, or to be witness in Judgement, or out with, Jam. 6, par. 23. cap. 18.

St. ANDREWS, See University. ANN.

The Ann due to the Executors of deceast Bishops, and Ministers, is Declared to be halfe a Years Rent, over what is due to the defunct for his Incumbency; To wit, if he survive Whitsonday, the half of that Year is due for his incumbency, and the tother halfe for the Ann, and if he survive Michaelmess, the whole Year is due for his incumbency, and the half of the nixt Year for the Ann: And the Executors need not to confirm the Ann. Cat. 2. par. 2. Sest. 3. cap. 13.

ANNEXATION, And ANNEXED Property, See Diffolution,

Annexation of the Customes, and Burrow mails, to the Crown. Jam. 1. par. 1.

Anwexation of the Cultomes, and Burrow mans, to the Crown, plant Gap. 3.

All Annexing certain Lordships, Lands, and Castles, to the Crown, therewith to remain perpetually, which may not be given away in fee, or frankennement, without Advice and Decreet of the whole Parliament, and for great, and feen causes for the good of the Realme; And any alienation otherwayes made by the King, or his Successor, to be of none avail: But the King for the time may refume the Lands, without Process, and make the Possessor found all profits; And that the King, and his Successor for the Crown in the Crown in the Crown is status. Jam. 2, par. 11. cap. 41.

Annexation of the Earldom of Ross to the Crown, not to be annaissed, except that it may be given to one of the King's second Sons. Jam. 3, par. 9, cap. 72. And

the Earledom of Rofi. and Lordship of Ardmannoch, are appointed to be the pro-per Patrimony of the King's second Son. Jam. 6. par. 17. cap. 30. Annexation of the Earldom of March, and other Lands, to the Crown, with the same clauses, set down in the Act. Jam. 2. par. 17. cap. 41. Jam. 3. par. 14.

Annexation of the Earldom of March, and other Lands, to the Crown, with the fame clauses, set down in the Act. Jam. 2. pat. 11. cap. 41. Jam. 3. par. 14. Cap. 112.

Annexation of Lands to Barronies, and the effect of it, see Barronies.

Annexation of Certain Landsby King James; th, Not to be Annaikzied, without decreet of Parliament, for great reasonable causes, first advised by the Estates, Jam. 5. par. 6. cap. 84.

Another Annexation made by him of more Lands, with ane exception onlie to feet in few, for augmentation of the rental, conform to the Acts of Dissolution. Jam. 5. par. 7. cap. 115.

Annexation of the haill Temporality of the Kirk to the Crown, made the 29. of July, 1, 587. And to begin fra the term of Martimes inclusive, the said Year; but with a dissolution, that the same may be set in few: And the Ecclesiastick Persons are declared free of warrandice, Except fra their own deeds. And the Accontains many other conditions, and exceptions, as particularly, it excepts all Teinds pertaining to any Parsonage, or Vicarage, where the slock, and teind, are not set together: All Cassles, Houses, and Annshons, with Biggings, and Yeards thereof, lying within their precinds, pertaining to Bishops, and other Prelates, all Parsons, and Vicars Manses, with four Aikers of Gleib, appointed for Ministers, All Lands, Teinds, and others disponed to Colledges, Schooles, or Hospitals, or for sustentiation of Ministers, within Burgh, together with all Laik Fatronages, as also without prejudice of all Fewes, Tacks, and other Rights, and all pensions lawfully disponed of before: Providing alwayes, that the Superiorities belong to the King, and that the Airs of the Vassas and other Rights, and all pensions lawfully disponed of before: Roviding alwayes, that the Superiorities belong to the King, and that the Airs of the Vassas and other Rights, and the Ecclessatic persons, the superiority remain intirely with the King and the Ecclessatic persons, the superior of the King, enjoy the superior, have the tenth of the whole dewri

par. 11. cap. 110

poralities: Except in the case of double rights, and stoms their own deeds. Jam. 6.

Annual-rent payed out of the Kings Annexed propertie, to any Prelate, or other
Beneficed Person. after their Decease, remain with the King as a part of the
partimonie of his Crown. And it is Statut that none have right thereto hereafter,
without prejudice to Hospitals, Colledges, and Schooles. Jam. 6. par. 13.

Cap. 167. See Comptroller, and Exchecker.

As annexing the Lands therein contained to the Crown, with the ordinarie clauses; and expressly that they may not be given away in see, stank-Tenement, sension, or other disposition, except for great and reasonable causes concerning the
Realme, first to be advised by the whole Estates of Parliament, and their Decrees
interponed. Ibid. Cap. 176.

Annexation of all Lands, Teinds, and others, lyand on the North-side of
the water of Forth: Excepting the Bartonies of Brunt-Island, and Newbirn: And
with an ample Exception, and Ratification of the Insestments of the Barronie of
Mussilving, granted to the Lord Thirstham. Jam. 6. p. 13. cap. 189.

As Ratifying all former Asts of Annexation, specially the Asts Jam. 2. p. 11.

cap. 41. and Jam. 5. par. 6. cap. 24. and releinding the Ast of Dissolution past in
Parliament in King James the sixth his minority. Jam. 6. par. 9, cap. 6, and all
other Asts of Dissolution made in the Minority of Kings, albeit the same with the
Infertment thereon be Ratissed in Parliament in their Majority. Jam. 6. par. 9, al.

Cap. 204.

Parliament in King James the lixth his minority. Jam. 6. par. 9, cap. 6. and in other Acts of Diffolution made in the Minority of Kings, albeit the fame with the Infeftment thereon be Ratified in Parliament in their Majority. Jam. 6. par. 14, cap. 204.

Hem the Kings Cafiles, Palaces, Yeards, Woods, Parks, Forreits, Paflures, and in fecial the Lowmonds of Falkiamd, Coal-heughs, and Offices, are annexed Infeparably, and excepted from the diffolution. Bid. cap. 205. See the Act in Diffolution. And all heretable Alienations. Affedations, Rentals, Penfions, and other Difpolitions, of the Kings Palaces, Cafiles, Parks, Meadowes, Coal-heughs, and in focial of the Palaces of Halprachmuse, and Park thaterof, Limitingson, Park, and Coal thereof, Falkland, Coal. Park, and Park thaterof, Limitingson, Park, and Coal thereof, Falkland, Coal. Park, and Park thaterof, Limitingson, Park, and Coal thereof, Falkland, Coal. Park, and Coal thereof, Cafile of Dumbartson, with the Lands, and Maines thereto adjacent, Cafile of Blackwaff: And generally as in the former Act, are Declared null, from the begining. Jam. 6. p. 15. cap. 235. But the grounds of demolified Cafiles, Bounds. Meadowes, and Loches, belonging thereto, with the faid Coal-heughs, are again diffolved. Jam. 6. p. 15. cap. 25. See the Act in Diffolution.

Americanism of the few, and blanch dewies, of all erections to the Crown, and diffeharging, and annualling all penfions, or other diffolitions, made fince the Act of Annexation of the fame, or of any Temporalities of vacand benefices, faine to the King, fince the faid Act, notwithfranding of whatfoever grant, or confirmation thereof in Parliament. Jam. 6. par. 14, cap. 207.

That all few Lands annexed to the Crown, by the Act 1587, Remain therwith, and that all few Lands whatfoever be availed and retoured, and be lyable to Taxations accordingly, libid. cap. 229.

All Infertment of the annexed property given by the King, or any of his Predeceliors, are Declared null, except liet by them being of peacet age; after Diffo

Annexation of the Earldom, Lordship, and Lands of Gourie; and Sesson, to the Crown, not to be Annalized there from, without advice of Parliament, for great, and seen causes first to be advised, and considered by the Estates, but with several exceptions contained in the A&t. Jam. 6, par. 16, cap. 2.

A&t of Annexation, Ratifying all former A&ts of Annexation, specially the A&t Jam. 2, par. 11, cap. 41. And annexing de new pall therein annexed: Attour annexing the Superioritie of all Lands, and others pertaining to any Abbacy, Prionic, or other Benefice whatsoever, erected before or after the A&t of Annexation, 1579 with the whole Few-mails, and Rents thereof, to abide with the Crown for evet. Reserving to the Titulars of Erection who have subscribed the Surrender, the Rents of the laids Superiorities ay till they receive payment of the sum of a thousand Merks, for each Chalder of Few-ferm, and ane hundreth Merks of Few-mails, for each hundreth Merks worth, of all other constant Rent, not being naked service of Vassals, as also their property, and proper Lands, to be holden of his Majestire, for the dewices contained in their old safetiments, before the said A&t of Annexation, and all deeds preceding the date, and in prejudice the roof are Declared null. And the A&t Jam. 6, par. 15, cap. 233, 234, 236, 243, (all above) are specially Ratified, rescinding all deeds in the contrary: Excepting alwayes from this A&t, all Lands, Superiorities, and Others, pertaining to Archibiops, Bishops, and their Chapters, Car. 1; par. 1, cap. 10.

And this A&t Ratified, and the Superiority of all Lands, and others belonging to the saids Bonesices, whereof the presentation belonged to his Majesty and Predecessors, and erected as faid is, of new annexed; And all Gifts and Granss made by his Majesty and receive as fail is, of new annexed; And all Gifts and Granss made by his Majesty of the saids Superiorities were or of the Lordship, and Regality of Majessity of the Few-dewices to the Ferions having right thereto, we superiority of si

Bragiosan, granted to the East of Sectings, and the decreet Reductive against the Earl Ad Ratifying former Annexations, and the decreet Reductive against the Earl of Mortown, of the Earldom of Orkers, and Lordship of Zetland, and of new annexing the same to the Crown: As also excepting them from all General Ads of Dissipling the more and Decreet of Parliament upon mature deliberation, and expressing the particular causes shift given thereanent. As also the Ads suppresses the Office of Shirtest Ship, and Few-drietherein, and erects them in a Stewartry, not to be given heretablie to any Person, without Advice and Consent foresaid, without prejudice to the Bishop of Orkers, of his Patrimonie, and of his Majestie's Vassals, in the saids siles of their Priviledge of sending Commissioners to Parliament, Car. 2, pat. 2, Sess. 13.

pat. 2. Seff. 1. cap. 13.

ANNUAL-RENT, See Usurie.

All Annual-tents of Victual, or silver, sold in time bygone, and redeemable, may be redeemed. by payment of the principal, in the reversion and by-run Annuels thereof, at Ten per cent, notwithstanding of security given for greater Annuell, Jam. 6. p. 12. cap. 135.

After Denunciation to the horn, the sums denunced for, bear Annual-tent until the payment, albeit there was no paction made for Annual-tent, and the Act is extended to all that they flood denounced, gnood sturra, from the term of Martimess thereafter, Ja. 6. par. 23. cap. 20. 4. August 1621.

Annual-tent reduced from ten to eight per cent, &t that nome take more under the pain of usurie, but the Execution of the Act suspended for three years, after the date, in respect two of the ten per cent, in that space granted to his Majesty. Ca. 1. par. 1. cap. 21. dated, 25 June 1633.

Annual-tent Reduced to Sex per cent, and the same declared to be free of all Retention, and other publick Burdens. Car. 2. par. 1. Sess. 1. Sess. 1.

ANNUITY of 40000 pounds Sterling to the King.

the King.

All for raifing this Annuiry to his Majestev yearly during his life, extending in Seats money. to 480000, pounds yearly; Whereof 56000, pounds Seats or 8000 pounds Sterling to be raised yearly by an Excise, upon the Coale, and Salt, and forraign Commodities, specified in the Act, and the remander being 384000, pounds Scots, or 32000, pounds Sterling, to be raised by an Excise upon the Sear, and Aile, Aquavite, and Strong Waters. Brownen, and fold in the Countrey, at the rate in the Act, (See it in Excise,) For which end it is proportioned among the Shires, and Surghs. And it is ordained, that what the said Excise in each of them fiall fall floor of their quota, be supplied by the Heretors in lieu of the Malt Browen in their own Houses, according to the rule of the Valuarions as fettled before August, 1660. And Commissioners are appointed for each Shire, and Burgh, with full power to Collect the said Excise, poind, and quarter, therefore, and doe all things els necessary. And they are declared to be oblidged to pay in the same at four terms in the year, beginning the first at Lambnes, 1651. And the Gouncil is impowered to name new Commissioners, in the place of any deceasand, or disabled. Item the exercise of the Excise of the Inland Salt, and forraigne Commodities, if any shall be, is appoynted to be applyed for releife of any Shire, or Burgh, over burdened, or disproportioned in their quota set down in the Act, Can 2, par. 1. Self. 1, cap. 14. Annu 1661. But the proportions here set down on Shires, and Burghs, are again Restified. Car. 2, par. 1. Self. 1, cap. 14. Annu 1661. But the proportions here set down on Shires, and Burghs, are again Restified. Car. 2, par. 1. here fet do... Seff 3. cap. 25. This Annuity This Annuity continued for five years after his Majestie's decease. Car. 2. par. 3. cap. 8. See it in Excise.

ANNUITY of Teinds.

All IV Of I Cities.

All Ratifying the Act of the Commission of Teinds the 29 of May, 1627.

Giving to his Majesty, and his Successors an Annuity out of the Teinds, except the Teind payed to Bishops, in the state wherein the Same is presenting payable, and the Teinds payed to Ministers, Colledges, Hospitals, and Fious uses, that is of every Teind boll of the best wheat 10. Soilings, of the best Bear s. Soilings, of

the best Oats, Meale, Pease, and Rye, & Aillings: And where the Oats render but half Meal, 3. Billings: And where the Victual is worse, that the Annuity with interest of the Acts of the faid Commission set down in the Act. And it is declared, that this Annuity; as not annotated to the Crown, but left to his Majestie's free dispose. Car. i. par. 1.

APPAREL Ordinarie.

That none wear Silk or Coafflie Furring, Except Knights and Lords, of two hundreth Merks yearlie, and their eldett Sons, without licence of the King, and that none other wear Broidetie, Pearle, or Bullion. Jam. 1. par. 9.

cap. 119.
Another regulation of Apparel, and that no Women come to Kirk, or Mercat, with her face muffelled under the pain of escheat of the Courchie, Jam. 2. par. 14.

cap. 70.

That none weare Silk, except Knights, Ministrels, and Heraulds, and sinch as have one hundreth pounds worth of Land-rent, under the pain of escheat of the Silk, and of Twentie pounds to the King, Jam. 3. par. 6. cap. 46.

Act and particular regulation about wearing Apparel, wherein Two Thousand Merks, and Fifty Chalder of Victual per annum, are equiparar. Jam. 6. par. 7.

Another Act regulating Apparel, wherein so Chalders Victual, and Sex Thou-fand Merks per annum, or made equivalent, Jam. 6. pat. 23. cap. 25. Annu 1621. Another Act ament Apparel, Car. 2, par. 2, Seff. 3, cap. 10. Annu 1672 and Re-Affield, Car. 2, par. 2. Seff. 4. cap. 3. But all their Acts are Immovat by the Act of Trade, Car. 2, par. 3, cap. 12. See it in Trade.

APPAREL Solemne.

The manner of Arraiments for the Parliament, and for Fore-speakers, Jam. 2. par. 11, cap. 47. Ratified, and that the King make the paterns, Jam. 2.

Jam. 2. par. 11. cap. 47. Ratified, and that the King make the patents, Jam. 2. par. 14. cap. 68.

That Magiftrats of Burghs, and their Commissioners to Parliaments, weare at Parliaments, and other Solemne times such decent Apparel as his Majesty shall prescribe: And the Parliament refers to the King, to appoint the habits of the Lords of Selssion, and all other Inferiour Judges, as also of all Ctiminal, and Eesclesiattick Judges, and of all Advocats, and others living by practic of Law. Item that all Ministers wear black, and all Frelates grave and decent Apparel: And. farther, that what order his Majesty shall prescribe for the Apparel of Kirk-men agreeable to their state, and moyen, being sent to the Clerk Register, shall bee by him insert in the Books of Farliament, to have the strength of an Act thereof, that letters may be direct thereupon, charging the Persons concerned, to provide within Fourty dayes, and weare, and use, the said Apparel, a the times, and in the manner, as his Highness shall appoynt. Jam. 6. par. 20. cap. 8. Item this power as to the Apparel of Kirk-men, is declared to remain with King Charles, and his Successors, Car. 1. par. 1. cap. 3. fee it in King.

ARBITER and OVERS-MAN.

The way of appoynting an Overs-man for Submissions then depending, and that thereafter all Arbiters be chosen of an odd, and not of an even number, otherwayes the Submission to be voyd, Jam. 1. par. 6, cap. 88.

ARCHER.

That all men busk themselves to be Archers, fra they be Twelf years of age, and that in ilk ten pound Land, there be Bow-marks, Jam. 1. par. 1. cap. 18.

ARMIE, See Hoft. ARMOUR, or Harness.

That all Merchants bring home Harnels, and Armour, Jam. 1. par. 3. eap. 47.

That all Merchants bring home Hamels. and Armour. Jam. 1. par. 2. par.

ARRESTMENT, and breacking, and loufing thereof.

bation of all Arreftments made by Crowners, and Serjands, To be by wit-

Thorston of all Artetiments made by Crowners, and Serjands, 10 be by wirness, Jam. 3.p. 7.6.53.

That the Lords proceed furnmarlie in Actions for breach of Arrestment, to put them to a poynt, without intermission: And the breakers to be punished by eschear of moveables, and their restreas to be in the Kings will, and that their escheas be burdered with the payment of the Arresters Debt, his expenss highly taxed, and with a sum to be modified by the Lords of Session for his damage, in the first place. Lords of Session for his damage, in the first place.

and with a sum to be modified by the Lords of Session for his damage, in the first place. Jam. 6. p. 7. cap. 118.

That all 8ils for louing of Arrestments, past by the Lords of Session, be past upon caution, to be found in their 800ks: And that the Clerk receave the last caution, before he give out the 8ill; and all lousing of Arrestments otherwayes made, to be null, Jam. 6. p. 22. cap. 17.

All sums of money addebted be bonds, or other Personal oblidgements whereupon no Infertment hath followed, are declared arrestable; and that without changing the nature of the sums, as to the Air or any pretending right to them as heretable, and also but prejudice to Creditors to Comprise, rather then Assets, if they so choose, Car. 2. p. 1. Sess. 1. cap. 51.

For what Debts Surgesses of Surghs Royal may arrest strangers, Car. 2. p. 2. Sess. 3. cap. 3. where Magistrats of Surghs of Regality are prohibit to arrest any for Debts, but allenatile their own Burgesses. See the Act in Surghs.

ARTICLES, See Parliament. The ARTICLES of Perth Affembly.

These Five Articles concluded in that Assembly, Ratified. 1. That the Sacrament of the Lord's Supper, be celebrarby the People on their kneed. 2. That the privatile Administrat to Persons on adeath bed, Three or Four being present to Communicat with them, and a place convenient, and all things necessary decentile provided. 3. That Saptisme when great need stall compel, be administrat in privat houses, and declaration made thereof the next Lords day in the Congregation. 4. That Ministers Catechize all young Children of eight years of age, and that the Bishops in their visitations, cause present them so them, and bless them with prayers. And 5, That the dayes of our Lords Birth, Passion J. Refurection, and Ascension; and sending down of the Holy Ghott, be observed by the Ministers, Commemoration of these in estimable Senesies. Which Articles

re ordained to be obeyed as Laws, and all Laws, and Customes, in the contrary, escinded, Jam. 6, p. 23 cap. 1.

ASSASSINATION.

That not only all Affaffines, but all who shall affert, that it is lawful to kill any man upon difference in opinion, or because they have been imployed in the service of the King. or of the Church as now established, shall incurre the pain of Treason, Car. 2-p. 3. c. 15.

ASSEMBLY, See Synod National.

The General Assembly of the Kirk held at Glasgow, in the year 1638, Declared alawful, and seditious, and all its Deeds, and Acts, with all Ratifications ereof, made voyd from the begining, and in all time coming. Car. 2. par. 1.

ASSISOURS, ASSISE, or INQUEST.

That no Officiar of any Country, not Indyter of any man, be on this Affile, unerthe pain of ten pounds to the Kings, Ja. 1. p. 3. cap. 50.

Affilowr: thould fwear, that they neither have taken, nor fault take meede, or udd of any parry, and if any be given or hech tor any prayer made to them before he giving our of their verdict, they shall reveal the same in plain Court, Jam. 1.

budd of any party, and it any be given an even the faving out of their verdict, they shall reveal the same in plain Court, Jam. I. p. 13. cap. 138.

If any man be grelved by the partial malice, or ignorance of an Assis or Inquest of Heretages, not being an Assis of a Breive pleadable, the Assis may be Summond before the King, and Council: And if the falshood or ignorance be proven, that the verdict be reduced, and the Assis in the falshood or ignorance be proven, that the verdict be reduced, and the Assis in the falshood or ignorance be proven, that the verdict be reduced, and the Assis in the the same in the wrong, that he pay Ten pounds to the King, and to the Party his expences, Jam. 3. p. 6. cap. 48. See Error.

Assis in Criminal causes acquiting the Persons shawn before them wilfully, against notion or manifest knowledge, may be called by King, and Council, and inquired if they all agreed, or not, and the Persons connessing, or excusing, are convicted by a great Assis of Twenty sive noble Persons connessing, or excusing, are convicted by a great Assis of Twenty sive noble Persons connessing, or excusing, are convicted by a great Assis of Twenty sive noble Persons connessing, or excusing, are convicted by a great Assis of Twenty sive noble Persons connessing, or excusing, are convicted by a great Assis of Twenty sive noble Persons connessing, to the surface of the surface of the forest of the Surface of

Summonds, to pass may verifie, and prove by themselves, Instinuately the Act, Ja. 6.

p. 6. cap. 79.

That Assisted airs, and particular Diets, the haill Assisted called, and the absents Amerciat, to move them to better obedience, Jam. 6. p. 11. cap. 76. And that the extract of the Act of the Un-lawed be delivered to the Tressurer, within hix dayes, that the un-lawes may be charged for, and taken up without Composition. Jam. 6. par. 12. cap. 126. See the Pains of Assisted and Deduced to the Tressurer, within hix dayes, that the un-lawes may be charged for, and taken up without Composition. Jam. 6. par. 12. cap. 126. See the Pains of Assisted and Under Probation, and Instruction, whatsoever, be Assisted and Witnesses, and Other Probation, and Instruction, whatsoever, be Assisted and Deduced to the Desurer of the Assisted and Deduced to the Assisted and Deduced to the Desurer of the Desurer of the Desurer of the Sentence to an other time, but that they be inclosed untill they be fully agreed, and return their Answer, and if the Accuser. Insomer, or any Person pretend to inform, Speak, or repare to the Assisted and the pronounced Clean, and this shall be a sufficient warrand to the Assisted and be pronounced Clean, and this shall be a sufficient warrand to the Affisens to doe the same. Ibid. Cap. 51.

That the Clerk, nor no other Person be present with the Affisens, and not to be opened, but by order of the Judges, Car. 2, par. 2. Sets. 2, cap. 16. Concerning the Justice Court.

A S S U R A N C E.

ASSURANCE.

That the King's Peace be Affurance to all men, so that no man need have Assurance of another. Jam. 2. p. 6. cap. 13.

That none take, or sit under the Assurance of Theires, or pay them black-maill, nder the pain of Death, and Escheat, Jam. 6. par. 1. cap. 22. See it in Theist.

BAILS.

The manner of taking by Salls , to give notice of Invations from England,

Jam. 2. par. 12. cap. 48.

BAILLIES, See Judges, and Sheriffs. BANKRUPTS, See Fraudful Alienations.

A& impowering the Lords of Session upon a Process at the instance of any Creditor having a real Right, to value such Estates as belong to notorious Bankrupts, and whereof the Creditors are in Possession, and to appoynt Commissioners to sell the same, at the said rate, or more, and that the sate by a Roup, upon the Intimations set down in the A&. and being reported to the Lords, and Registrat, that it be als valide, as if made by all Fessons having unterest; and that the price be distribut be the saids Commissioners among the Creditors s conform to their several Rights, and Disigences, Cat. 2. p. 3, cap. 17.

BANDS, See Leagues.

There is mention, made in several Acts of Farliament, James Sixt, of a general Band, it seemes it hath been a Band for keeping the Feace, and it is Statut, that the pains thereof be divided betwirt the King, and the Party, Jam. 6. par. 15.

BANDS PRIVAT.

That all Bands for sums of money bearing Annual-rent, made fince the 16 of Ovember 1641, be understood to be moveable, unless they bear an express oblides

mente on Infeft, or be conceived in favours of Airs, and Affignes, (fecluding Executors) in which cases, they are Declared heretable, Declaring nevertheles, that the faids Bands bearing Annual-rent shall remain in the same Condition quastiffcum to just Mariti to Relista as they were before the 1641. Car. 2. par. 1. Seff. 1.

BANQUETING.

Ad limiting the number of Difacs for every mans table, viz, for the Eatl, or Bishop, Eight: The Lord, Abbot, or Dean, Six: The Barron, Four: A Burges, or Other Substantions Man. Three: And one Kind of meat in every Difa, Junder the pain of 100 pounds, 200 Merks. 40 pounds, and 20 pounds, 10 flow. Excepting from this Ad: Marriages. as also Banquers, to be made to Strangers by Bishops, Lords, Barrons, Provests, and Baillies of Burghs, and none els, Q.M.p. 5.02p. 25.

That no Persons under the degree of Barrons, & Landed-men worth, Fiftie Chalder of Victual, or Two thousand Merks per annum have at their Table. for raigne Drugs, or Confections, and that there be no Banquets at upstrings, after Esptismes, under the pain of 20, pounds, to be payed by the Master, and all the Fartakers, and Escheat of the Drugs, and that open doors be made to all Judges ordinarie, for discovery of the Offenders, Ja. 6.p. 7. cap. 114.

Another Ad anent Banqueting, and discharging Consections, under the pain of 1000. Merks, Jam. 6. p. 23. cap. 25.

Ad restraining the exorbitant expences of Baptisms, Marriages, and Burials, Car. 2. pat. 3. cap. 14.

B. A. D. T. I. C. M. F.

BAPTISME.

That none Baptife their Children, but by the Minister of their own Parish, or by a llcensed Minister, upon a Certificat from him, or in his absence, from anighbour Minister, under the pains every Heretor, Life-retter, or Wodsetter, of a fourth part of his Valued-rent, every Person above the degree of a Tennent, and every considerable Merchant, 100, pounds, every Inferiour Merchant, or considerable Tradsman, and every Tennent, 50 pounds, every meaner Burgels, or Cotta, 20 pounds, & every Servant, of half a years see. And the Execution is committed to Shirress, 5 kewards, Lords of Regality, and Magistrats of Burghs, who are allowed all the sines, except these of Heretors, for which they are made Compable to the Thesaurer, Car. 2, p. 2. Sess. 2, cap. 6. And this Act, and the pains thereof extended, to such as keep their Children un-baptifed for the space of Thirry dayes together, or produce not a Testificat under the Minister of the Parish his sand, or if the Kirk be Vacant, under a Nighbouring Ministers thand, that the Children were Baptized within the said space, Ibid. Sess. 3, cap. 11.

The exorbitant expences of Baptismes restramed, Car. 2, p. 3, cap. 14.

BARRATRIE.

That no Clerk, Religious, or Secular, pass out of the Realm, except he make faith that he shall doe no Sarratrie, and have licence of the Lord Chancellour, or his Ordinarie, and he that does in the contrary, or makes Sarratrie, that he belyable to the Statur against havers of money out of the Realm, Jam. 1. p. 7. cap. 107.

That none Sute, or defire Title, or Right of the Pope, or his Seft, to any this in the Realm, under the pain of Barratrie, that is Samifument, and Infamie, a that no Bidoop, or Prelate, use any Jurisdiction by the Popes authority, under this pain, and Barratrie may be tryed before the Justices, or Lords of the Seffic that no Simop, or recease, the faid pain, and Barrattie may be tryed before the Justices, or Lords or the semon, Jam. 6. p. 1. cap. 2.

To Trafficque abroad against the true Religion, Incurres the pains of Barratrie See James 6. p. 6. cap. 72. in Religion.

BARRONS.

Ratification of all Priviledges granted to Noblemen, and Bartones, Jam. 6. par. 1. cap. 26.

BARRONIE.

Annexation of Lands to Barronies, exempts them not from the Sherriff Courts, and Justice Airs, where they lye, bot only oblidges them to prefence, and service, in the place whereunto they are annexed. Jam. 4. p. 6. cap. 93.

Magistrats of Burghs of Barronie, may arrest none for debt, but their own Burgesses, Car. 2. p. 2. Seff 3. cap. 8.

The Liberty, and Priviledge of Burghs Royall, as to Trade. See in Burghs, and Car. 2. p. 2. Seff. 3. cap. 8. there.

BEES, See Hyves. BEGGERS.

That no Beggers betwixt Fourteen, and Seventie years be thoiled to beg, unless they have a token that they cannot wim their own living, in Landward of the Sherriff, and in Burghs, of the Ballzies, otherwayes to be burnt in the check, and banished, Jam. 1. p. 1. cap. 25 Ratisfied, Jam. 4. p. 6. cap. 70. Item, that the Magistrats, and Shirreffs negligent, pay Fiftie faillings to the King, Jam. 1.

p. 2. cap. 42.

That no Begger born in one Parish be thouled to beg in another, and that tokens be made be the Heads-men of ilk Parish for that effect. Jam. 5. par. 4-

tokens be made be the Heads-men of lik raths for this. each, just the Aldercap. 22.

That in Burrows the Chamberlane in his Air, shall lik year inquire, if the Aldermen, and Baillies have keept the statutes of Beggers, and the breakers to be punished in 40. shillings to the King, Jam. 1. p. 7. cap. 104.

Ratification of the Ads anent Beggers, containing particular orders for reprefsing idle Vagabonds, and releiving such as are truely unable, and poore, Jam. 6.

p. 6. cap. 74. See Poore.

And this again, Ratified, with a Commission ro Justices in that part, for
Execution of it, in case the Judges ordinary be remis, or negligent, Jam. 6.

11. cap. 147.

The Act against strange Beggers, Vagabonds, and Egyptians, again Ratified, not they and their bairns, be imployed in Common-works, and their service aentioned in the Act, Jam. 6. p. 6. cap. 74. Is prorogat during life, and the over of Executing the said Act, granted to Kirk Sessions, Jam. 6. par. 150

power of Executing the Isid Act, granted to Kirk Schions, Jam. 6. pas. 37. cap. 268.

Item, all these Acts Ratissed, and that the Kirk Schions put the saids Acts in Execution, under the pain of Twentie pounds, Jam. 6. par. 16. cap. 19. The Acts, Jam. 6. par. 6. cap. 74, and par. 15. cap. 268. Specially Ratised, Car. 2. p. 1. Sest. 3. cap. 16.

Act chablishing Correction-houses in the Burghs therein named, for idle Beggers, and Vagabonds, Car. 2. par. 2. Sest. 3. cap. 18. See Poote.

DRINKING BEIR.

Twentie fillings of Custom imposed on every Tun of Drinking Beir brought in to the Realm, Jam. 6. par. 13. cap. 179.

BENEFICE and BENEFICED PER-SONS. See Dilapidation.

That Benefices purchased at Rome, by such that were never thereat before, be of none avail: and that no Benefices be unite to Bishopticks, Abbacies, or Priories, and that such unions be null, and the purchassers purshed as Traitors. Except that Lords and Barons may purchase the Annexation of any Benefice, to Secular Colledges. Item, That there be no higher Taxation of Benefices, but as the old use and custome was, and as is contained in the old Taxation of Basimant, J. 3.

p. 6.c. 44. And this last part anent the Taxation of Benefices ratified. And that the attempter in the contrary, of a Spiritual Person be unable to bruik Benefice, and if a Temporal, tine life and goods, Ja. 4, p. 4, c. 39. Item, That none support, or supply with money the said unlawful purchasses of Benefices, Ja. 3, par. 11. cap.

That no Clerk purchase Benefice below the support of the purchase benefices and the support of the

That no Clerk purchase Benefice belonging to the Kings presentation, the Seige vacking, at Rome, under the pain of proscription, and treason, Ja. 4- p. 1. cap. 4.

That Prelacies, Abbacies, and other Benefices, remain and be disponed within the Realm. as in King James the fift's time, under the pain of proscription, against such as do in the contrary, Ja. 4- p. 4. cap. 38. Item, That dittay be taken on the breakers of the saids Acts, Ja. 5- p. 7. cap. 119. See the Acts against Clerks, or Spiritual men their passing forth of the Realm, in Passing forth of the Re-

Alm.

That all gifts of Benefices elective, or penfions disponed by the Queen, fince the Parliament 1560. To the Kings Coronation, be as valide, as if granted by the Popes Bulls, but prejudice of the Act of Council, anent the leaving to Ministers, all Benefices within three hundreth merks yearly, and of Laick Patronages. Ja: 6: p: 1: cap. 20. And the Commissare ordained, to Minister Justice on the saids gifts; and ficilize on gifts to be granted by His Majesty in time coming. Ibid.

gifts; and fielike on gifts to be granted by His Majefly in time coming. Ibid. cap. 29.

That all Prelates. and Possession of Benefices, at his Highness gift, give up just Inventarie of the two part thereof. conform to the first assumption of thirds, otherwayes their Benefices to vaik, Ja. 6. p. 15. c. 244. See Tbirdi of Buaghess.

No Beneficed person under a Prelate, may set longer Tacks of Teinds, or others, belonging to his Benefice, then for three years, without the consent of the Pamon, Ja. 6. p. 14. cap. 200. See Patron.

That no Frelate set in Tack, any part of their Fartimony, for longer space then nineteen years, and no inferiour Benesiced Person, for longer then their own lifetime, and sive years thereafter, under the pain of deposition. And that all Tacks otherwayes set, for discovery thereof, be registrat within 40. days, essentially Excepting from this 46t, all Tacks set be vertue of the Commission for plantation of Kirks, granted in this Parliament, Ja. 6. Pal. 22 cap. 4. As also, It is declared. That the inferiour Beneficed Person, must have the consent of the Patron to his Tacks, conform to the said 4st. Ja. 6. p. 14. cap. 200. Ja. 6. p. 23. 6. 15.

BESTIAL, or CATTEL.

That no Cattel be fold out of the Realm. Ja. 3. p. 4. cap. 25.

See England.
That flayers or hochers of Oxen, or other Cattel, be punished as Thieves. Ja. 6.

p. 7. cap. 110. See the A& in Horje, and how it is limited, and extended. Ja. 6. p. 11. c. \$2.

Act Ratifying all Acts made against the transporting of Sheep. Nolt, or other Cattel, young, or old, forth of the Realm, impowering any that finds them driving, to stay them, and keep the Drivers to thole an Affile before the Justice or Shirest of the bounds where they shall be apprehended, whom His Majesty makes Justices in that part, for trying and hanging of the offenders, and escheating their moveables, half to the King, and the other half betwikt the Judge and the apprehender.

moveables, half to the King, and the other half betwist the junge and the apparendent. Ja. 6, p. 7, cap. 124.

Item. Sheep and Nolt forbidden to be transported to England, or sold to Englishmen who transport the same, under the pain of eichest thereof, and of the whole other moveables of the actual transporters: And also of the causers and sellers thereof to be transported, half to the King, and half to the apprehender, and warding for six moneths, and otherwise at the Kings will, annualling all licences granted, or to be granted in the contrare. Ja. 6, p. 12, cap. 149.

Betial, That is, Nolt, Sheep, or Swine, may be exported by Sea, free of Custome or Bullion for 19, years. Car. 2, p. 1. Sell. 3, cap. 11.

Anno 1663.

BIBLE.

That all Houtholders have Bibles and Pfalm Books. Ja. 6, p. 6. c. 72. See it in Houtholders.

BIRN, See SKIN and BIRN.

BIRN, See SKIN and BIRN.

Biftops, See Benefice and Dilapidation.

Biftops, Abbots and Priors fet down in order before Earls, Barons, in the Latine Titles of the fixth. feventh, and eight Parliaments, Ja. 1. And before Dukes and Earles, Ja. 1. p. 7. cap. 102. And Prelati before Barones Proceres, Ja. 5. p. 1. That Biftops inquire of Herefie, Ja. 1. p. 2. cap. 28.

That no Biftop, not Prelate, the any jurifdiction by the Popes authority, under the pain of banishment and infamy, Ja. 6. p. 1. cap. 2.

That all Biftopricks be difponed by His Majesty to actual Preachers and Ministers in the Kirk, Ja. 6. p. 15. cap. 231.

The estate of Biftops restored to their honours, priviledges, livings, and rents, as the samin was in the reformed Kirk, most ample before the Act of Annexation, 1387. And this Act of Annexation, and all other Acts prejudicial to the said state rectinede. Providing nevertheles that the Biftops entertain their Ministers upon the thirds: And but prejudice to their Fewers and Tacks-men, they entering by the Biftops, and paying the composition appointed in the Act. As also, excepting Fewes lawfully set and confirmed before the said Act of Annexation: And all Dissostions of Patronages disponed by the Titulars and His Majesty, providing they be ratisfied in Patliament. And all common Kirks pertaining old ofto Biftops and their Chapters in common, disponed by His Majesty before the date hereof. As also, excepting the Castle of St. Andrews, and Yeard thereof, to the Earl of Dumbar, and the Lands of Monumonal and Letham, with the Mannor Place, and Patronage of the Kirk of Monumonal and Letham, with the Mannor Place, and Patronage of the Kirk of Monumonal and Letham, with the Mannor Place, and Patronage of the Kirk of Monumonal and Letham, with the Mannor Place, and Patronage of the Kirk of Monumonal and Letham, with the Mannor Place, and Patronage of the Kirk of Monumonal and Letham, with the Mannor Place, and Patronage of the Kirk of Monumonal and Letham, with the Mannor Place, and French and the Bistops to

ted in their Tacks, to a certain number of years, Ja. 6. p. 23. cap. 15. See the A&

in Benence.

A Bithop refuting a Testimonial to a Pedagogue, in the case in the Ast, may be called before the Council; and if he satisfie not the Council, they may give

be called before the Council; and it is leaved to them to appoint Comone, I. 6. p. 20. cap. I.

The Commissions restored to Bishops, with power to them to appoint Commissies, and creat Clerks, and all other Members of Court: And the Quotes
of Testaments are ordered to be p-yed to the Bishops, and Letters to be direct on
their Commissions sent-nees. As also, to charge Fersons to confirm Testaments,
as formerly. And all former Commissions are discharged, without prejudice
to the Earl of Argile of his heretable right of Commissions within Argile, Ia. 6.

their Commillaries fent-nees. As alfo, to charge Ferfons to confirm Tellaments, as formerly. And all former Commiliaries are discharged, without prejudice to the Earl of Argile of his hectable right of Commiliariat within Argile, Iz. 6.

p. 20, cap. 6.

The Bishops have right to moderat me their Diocessan Synods, either by them-felves, or by a Minister of the bounds appointed by them. That no sentence of Excommunication or absolution be pronounced, but by their discribins which Minister of the Farch where the offender dwells. That all Prefentations be directed to the Bishop of the Diocess, to whom also the just devolutions, in ease of the Fartnons neglect, is declared to belong: And in case the Bishop refuse to admit the Minister prefented, the Fatton retains the fruit of the Benefice, and either he or the Faroth may complain to the Arteshishop, and if he also retule, the complaint lyes to the Council; who Sinding the Bishops reasons insufficient, may direct Lettersof Horning, charging him to do his duty. Items, It the Bishop, by oath of party, or otherwayes, find that the Minister hath made a Simonical paction with the Fatton, on the hut of the Benefice, he may serule him. (See Sisson). The Bishop associating to himself the Ministers of the bounds, hath power upon triall, to depose or dispond Ministers. That the Bishop by himself; or a worthy Minister of his Diocess, make his visitations. And lastly, That the meetings of the Ministers for exercise be moderate by the Bishops, or luck as they appoint: Which Articles beling concluded upon at the Assembly at Glagowy. Annu 1610. are all ratified, and ordained to be observed as involable Laws. And the Ass. Ia. 6. p. 12. cap. 114. (Set in Kirk) and all other Laws and cultomain for far as they are contrary to the premiser, are relateded, Ia. 6. p. 12. cap. 11.

That Bishops be elected in this order, upon the vacancy. His Majesties ilicence is to be experie, and then an Edict to be affixed on the most passent door of the Cathedral, charging the Dean and Chapter to conv

BLACK-MAILL.

That none take or fit under the affurance of Thieves, or pay them Black-Maill, under the pain of death, and eschear of their moveables, Ja. 6. p. 1. cap. 22.

That ditray betaken up of both takers and payers of Black-Maill, and juffice done on them according to Law, and soverty taken of them to abstain in time coming. Ja. 6. p. 11. cap. 101.

BLANCH HOLDING.

That the Kings Vaffalls holding Blanch, be only lyable in their Blanch Duties, if the famin be required allanetly, and no wayes be charged with fums of money, as the prices thereof, Ja. 6. p. 18. cap. 14.

BLASPHEMIE.

That who foever not being diftracted in his wits, shall raill upon, or carfe God' or any of the Persons of the blessed Trinity, and obstinatly continue these in, be processed before the chief Justice, and being found guilty, punished with death: And this Act is drawn back to the 17. of Feb. 1649. Car. 2. par. 1. cap. 21.

BOLL. See METTS and MEASURES. BOOKS.

Act discharging the Custome of Books, marked amongst the unprinted Acts, Car. 2. p. 2. Sefs. 1. Books erroneous forbidden. See Religion.

BORDERS. See ENGLAND and HIGH-LANDS.

Act anent the Border Rivers of Annaud and Tweed. See in Salmond.

Act discharging all Decreets of ejection and removing obtained in the borders twenty years before King James his succeeding to the Crown of England, except allanerly as to the obtaining of possessions to except agreement of the continuous profites since the Kings going to England. And it is provided, that upon charges given after the date of this AC, the samin be obeyed, otherwayes the person denounced for disobedievee,

to amit the benefice thereof, B. 6. p. 18. c. p.

Aft against reset of Fugitives from the Borders to the in-Countries, and that none born or long habituat in the Borders be reset in the in-Countrys, without a Testimonial of the great Commissioner of the Borders, and that none forge or use a false Testimonial, under the pain of death, Ia. 6. p. 20. c. 10.

The Borderers, especially within Berwick, Resburgh, and Drumsfreis Shires, and Stewartry of Annandais, are discharged of all actions (Decreets already obtained being still excepted) of spullice, or wrongous intromission, for any thing done before King James his succeeding to the Crown of England, and also of all Criminal pursuits intended, and to be intended, for whatoever crime, importangilise, committed before the said time, without prejudice nevertheless to the Kings Advocat, Justices, and Commissioners, to pursue the same as accords, Ja. 6. p. 21. c. 6.

BORGH.

The form of finding a Borgh in Court, Ja. 1. p. 9. c. 116. And he who recounters Borgh, and ablents thereafter, tines the action, ibid. c. 118.

BORROWS. See LAW-BORROWS. BOUNDS and MARCHES. See IN-FEFTMENT.

BRANDY.

Ast allowing Brandy to be imported, and that it be lyable to so, pounds per Tun of Custome, and sex pence per Pint of Excise, to be payed by the retailer; and this Excise to be applied for the relief of the Annuity of Excise, in Shires or Burghs where the Brandy is retailed, Car. 2. p. 2. Sess. 4. c. 2.

BREAD.

The Privy Council should set down the price of Bread, according as the Wheat rules, Car. 2. p. 2. Sell. 1. c. 15.

BREADTH.

Of what breadth Droggats, Linnen, and Stuffs should be, Car. 2. p.3 . cap. 12. BRIEVE.

That no exception avail against the Kings Brieves, holding the old form, and nasied or blobbed, in the name and surname of the Follower and Defender. The ame of the Land. Cause, and Date, Ja. 1. p. 9. c. 114.

The old form of serving the Brieve of Sealing, and of breaking of Seasing, ibid.

Corder anent Breives pleadable, according to the old form of Process, Ja. 3. p.

6, cap. 42.

That Exceptions be not proponed against the Brieve of Inquest, and that of Bastardof Pley, but only Exceptions against the Judge, the Inquest, and that of Bastardy. Irom, Persons present, may be compelled without Summonds, to pass upon
the Inquest. Item, Their Brieves should be cried openly in plain Mercat, or on
an oulk day, swa that the Officiars of the Town, and six more be present, Ia. 4. p.

6.220, 64.

an oulk day, fwa that the Omeiars of the 10-m.,

6. cap. 94.

That Brieves for serving to Lands within the Stewartries of Stratherne and Menseith, be proclaimed at Perth. for Lands within the Stewartry of Fife, at Cowper. within the Bailliaries of Kyle, Carrick, and Comminghame, at Aite. Within the Stewartries of Kylekedbright and Annandale, at Drumfreis. But that they be alwayes served within the Tolbuith of the head Burgh of the Shite, Stewartry, or Bailliary, as of before, la. 6. p. 11. cap. 60.

BREWERS. See MALT-MEN. BRIDGES.

The Council may lay on moderat Cuftoms at Bridges, for the upholding thereof, Car. 2. p. 2. Seff. 1. c. 16. See the A& in Wayer.

BROOM. See PLANTING. BUCHANAN.

That Buchanans Chronicles, and de Jure Regni apud Scotes, be brought in by the havers, to the Secectary within 20. dayes after the publication of this Act, under the pain of 200. pounds, to the effect they may be purged of certain offensive and extraordinary matters therein contained, la. 6, p. 8, c. 134.

BUIRDING.

That every Prelat, Lord, and Landed Gentleman, make his ordinary dwelling at his own House, with his Family; and that they forbear to buird themselves in Burrows, Ale-houses, or their own Houses, under they pain of 500. merks The Lord or Frelat: 300. merks the great Baron: And 200. merks ilk other Landed Gentleman, for the Kings use, la. 6. p. 7. c. 116.

BULLION.

That foverty be found to the Customers of the Ports, for Goods exported, to bring home the quanties of Bullion mentioned in the Ast, [a. 1. p. 13. cap. 143.

The quantities of Bullion again appointed, and that the Customers make compt thereof yearly in Exchequer, [a. 3. p. 7. cap. 51. And thir Asts ratified: And that the Merchand have twelve faillings for ilk ounce of burnt Bullion from the Customer, [a. 7. c. 107. That there be brought home for Bullion four ounces of burnt filver of ilk Serplaith, or eighty shone of Wool. or Last of Salmond; And that the Merchant have ten of the fourteen penny groats for ilk once, [a. 3. p. 13: cap. 93. The same Ratified, and that compt be made of the Bullion yearly in Exchequer, [as. 4: p. 1. c. 2. and p. 2: c: 14. And that the Customer give for the ounce of burnts sliver eleven fallings six pennies, ibid. c. 17.

As ratifying the Asts about Bullion, that soverty be found for bringing it home equivalent to the goods transported, that it be compted for yearly in Exchequer, and defalcation given to the Merchant, if any loss of goods happens him. And that sor every ounce of utter fine silver, the Master Cuinzier pays to the Merchant fourty shillings, and make compt for the profit to the King, [a. 6: p. 7: c: 107.

Ratification of all Asts anent the home-bringing of Bullion, and that the The-faurer and his Deputes compt therefore yearly in Exchequer, [a: 6: p: 14: cap: 203.

That for the ounce of Bullion twelve deniets fine, which the Metchants are aftrided to bring home, they have an ounce of his Highness oan Coya of eleven deniets: And that of all other Bullion that they shall voluntarly bring in, the thirtieth penny only to be retained to his Majeslies profit, Ia: 6: p: 15: c: 249.

That all forrain Cainzie be made use of only for Bullion, and that the Officers of the Mint make a Table of the prices thereof, ibid.

Commission given to the Lords of Council for taking order anent the home. bringing of Bullion, and discharging the transport of Gold, Siiver, and forbidden Goods, under such pains corporal and pecunial, as they shall think fit, Ia: 6: p: 16: c. e.

Committion given to the Lords of Council for taking order shear the home-bringing of Bullion, and discharging the transport of Gold, Silver, and forbidden Goods, under such pains corporal and pecunial, as they shall think fit. Is: 6: c. 9.

That all commodities lyable in payment of Bullion, pay according to the Alphabet set down in the Ast: That the Customers, with concurrence of the Clerks of the Coquet, cause every Merchant, Native, or Forrainer, exporter of the said Commodities, find sicker soverty, or give pledges, that the due Bullion be delivered to the Officers of the Mint: And that of Forrain Bullion, either Plate, or burnt Silver, twelve denier sine, and being basser, to be made up by weight and reckoning, and rhat before he receive his Cocquet. That none of his Majesties, or his Fredecessors Coyn, or any other satisfaction be received for the said Bullion, under the pain of deptivation of the Customer, or Clerk of Coquet, and farther punishing in their persons and goods at the Privy Councils discretion: And who shall discover any such collusion, shall receive a third of the value of the Bullion to have been payed by the Merchant. That the Customers be Comptrolled by the Recepts of the Officers of the Mint, and be answerable for the superplus: And that they give the Merchant convenient time, the longest not exceeding seven moneths, for home bringing of the Bullion. And lastly, that the forestaid Alphabet be of force from the date of this Ast; and all Commodities hereafter exported lyable accordingly, without respect to any other Ast made, or to be made in this Parliament, Ca. 2. p. 1. Sest. 1. c. 37.

But all Narive Commodities and others exported forth of the Kingdom, are discharged of the payment of Bullion, and the same imposed on goods imported, and at the rates specified in the Ast: Which rates the Merchant is to pay to the Officers of the Mint at the importing, or twelve shillings Sests for ilk ounce to the Collector of the Fort, redeemable alwayes within 40. dayes, upon payment of the Bullion. A

BURGHS, See Craft, and Merchant.

That in all Burghs there be Eight, or Twelve Persons, after the quantity of the Town, chosen of Secret Council, and sworne thereto, to decide maters of wrong, or unlaw to the avail, of Five, or Eight pounds within eight dayes warning. Ja. 2. 11'C. 46.

p. 11'c.46.
That na man in Burgh be found in man-rent, not ride in rowte, in feir of weir, with any but the King, and his Officiars, or the Lord of the Burgh, and that they purchase no Lordship in oppression of their Nighbours, under pain of Confication, and their lives to be in the Kings will, Ja. 2, p. 14, c. 77. J. 4, p. 3, c. 34, and

m. 5. p. 4. C. 27. See Leagues. That all Merchants be Free-men Indwellers in Burghs, Jam. 3. p. 2. cap. 11.

That all Merchants be Free-inen anothers.

See Merchant.

That Officiars in Burgh be not continued farther then a year, that the Old Council first choise the New; And then both Old, and New choise the Officiars: And that ilk Craft have vote in the Election of Officiars, by one to be chosen by the Craft yearly; And that no Captain, nor Constable of any Castle many bear Office in the Town, Ja. 3. p. 5. c. 30.

In all Burghs four of the Old Council should be choisen yearly, to sit with the New, notwithstanding the preceeding Ads, J. 3. p. 7. c. 57.

That the Election of Officiars in Burghs, be without partiality, or Mastership, Jan. 3. p. 14. c. 108.

That the Election of Officiars in Burghs, be without partiality, or Mastership, Jam. 3. p. 14. c. 108.

That the Election of Officiars in Burghs, be without partiality, or Mastership, Jam. 3. p. 14. c. 108.

That all Officiars in Burgh, be changed yearly, and that they be Persons using Metchandize within the Burgh, Jam. 4. p. 6. c. 80. Honest, and Substantious Burgheses, Metchanis, and Indwellers thereof, under the pain of Tinsel of their Freedom, who does in the contrary, Jam. 5. p. 4. c. 26.

That none be capable of the Magistracy, or any other Office within Burgh, except Merchants, and Actual Trasecquers within the said Burgh alleanestic, and no others: And that the saids Magistrats, and Commissioners of Burghs to Parliaments weare such decent Apparel in all solemne occasions, as his Majesty shall prescribe, Jam. 6. p. 20. c. 8.

That the Commissioners of Burrows conveen yearly in Innerscribing, the Morm after St. James day to treat about the well-fare of Metchandize, and their own common prosite, and the Burgh absent to pay Five pounds, to the cost of these present, and that Letters be direct thereupon, Jam. 3. p. 14. c. 111.

That all Shaps, Strangers, and Others, cometo free-Burrowes, and there make their Merchandize, and that Strangers buy no Fish, bur salted, and Barrelled, and they make no Merchandise at the Lewes, and that no Subject take Ships to sraught in defraud of the King, under the pain of Tinsel of Life, and Gudes, and Strangers contraveening, tine Ship, and Gudes, Jam. 4. par. 1. Cap. 3.

This ACR stified, and farther, that none buy from the saids Strangers, but from

Gudes, and Strangers contraveening, tine Ship, and Gudes, Jama. 4. par. 1. Cap. 3.

This A& Ratified, and farther, that none buy from the faids Strangers, but from Free-men, at the ports of the faids Burrowes, under the pain of Escheat of their Moveables, Q. M. p. 6. c. 59. But this A& is called an Ast anent liberty of Marchanti at the West-Stat.

And these A&s again Ratified, and that Strangers neither buy, nor sell, any Merchandise, but at fee-Burrowes, and with Free-men, and that none Conduct, Fraught, or Filore any Stranger to the lifes, under the pain of Tinsel of Life, Lands, and Gudes, Jam. 6. p. 7. c. 120.

That Strangers Merchants, lodge in the free-Burrows, or principal Towns of the Potts where they arrive, and that their Hoasts give an accompt to the King of their gudes, inward, and ourward, Jam. 4. p. 4. c. 41.

That there be ficlike Process for the recovering of Anwels, at the Fourth Court in the Burgh of Perth, and in other Burghs, as in Edinburgh, Jam. 4. p. 2. c. 20.

But this manner of Processis in desiderude.

That the Common-gude of all Burrowes, be spent for their Common proster, by the advice of the Town Council, and Deacones of Crasts, where they are: And that the Chamberlane enquire into this yearly. And that the Rents of Burrowes be not set, but for three years allennerly, under pain of Nullitie. Jam. 4. p. 3. c. 2p. 3.6.

Basiscation of the Priviledges of Burrowes, and that none dwell out of Burrows,

p. 3. cap. 36.

Ratification of the Priviledges of Burrowes, and that none dwell out of Burrows, use Merchandise, nor tap, nor sell, Wine, Waxe, Silk, Spicerie, Wadd, nor siclike Stuff, nor staple Gudes, nor peak, nor peill, in Leith, or other places, out with Burrowes, under the pain of escheat of the gudes, Jan. 4, par. 6.

Cap. 84.

That Commissizes, or Heads-men of Burrowes, be warned to the giving of taxes, as ane of the Three Estates, Ibid. cap. 85.

That no Nighbour in Surgh, usurp sgainst the Officiarsthereof, Ibid. c. 27, hat none house Wool, Hides, nor Skins, in Leith, or other places, our with

That none house Wool, Hides, nor Skins, in Levis, or Outer Parks Burrowes. Ibid.cap. 18.

That Magistrats of Burghs bring yearly to the Excheker, their Compt books of their Common gude, under the pain of tinsel of their Freedom, and that fifteen dayes of before, they warne all that pleases to come, and object against their accompts, Ja. 5. p. 4 c. 26.

That no Earl, Lord. Barron, nor Other molest Burrowes, their Officiares, or Merchants, in using their Liberties, under the pain of Opptession. Ibid.

or Merchants, in using their Labether, based on the paid of the hid, outwith free Burghs, and Priviledge thereof. Jam. 5. p. 7. c. 107. Item, that no Perfora Strangers, or Inhabitants within the Realim, pack, or peill any Hides, or Skins, in the illes, out free Burghs, under the pain of Tinfel of the faids Hides, or Skins, and the Shirreffs, and Over-lords of the Land where the fame is done, are ordained to put the Aft in Execution, Jam. 6. p. 23. c. 12.

He that times the cause within Burgh, payes the winners expenses, Jam. 5. par. 7. cap. 110. And also Twelve pennies per pound to the Poor. Jam. 6. p. 6. cap. 92.

response to purthe Act in Execution, Jam. 6, p. 23, c. 12.

He that tines the cause within Burgh, payes the winners expenses, Jam. 5, pp. 7, c. 29, 170.

And also Twelve pennies per pound to the Poor. Jam. 6, p. 6, c. 29, 92.

Tart the Officiares of Burghs, have the only power to punish Pore Railers within the same, Jam. 5, p. 7, c. 113.

Renewed, but the power of accusing, because of the negligence of Burrowes) given also to the Thesaurer, or his Majesties Advocat, Jam. 6, p. 12, c. 148.

That the Officiares in Burghs Seatch, and Apprehend, all havers of false money, or Counterfeiters of the Kings Irons, for Cuitzie, Ibid. cap. 124.

That Magistrates of Burghs cause Deacons. Craffmen, and Hostellers, set and take reasonable prices. for their work, and victuals, or else deprive them of their Office, and Priviledge, Q. M. p. 5, c. 23.

Ratification of the Priviledges of Burrowes, and Burgess. and that Letters be direct upon their Priviledges of Burrowes, and Burgess. and that Letters be direct upon their Priviledges of Burrowes, and so specifies, and that Letters be direct upon their Priviledges, and Acts of Parliament made thereupon, without calling any Party, Q. M. p. 6, c. 49, p. 9, c. 26. Jam. 6, p. 1, c. 26, p. 5, c. 64, p. 6, e. 25, and p. 19, c. 5.

That all Common high-gates to and from free Burrows, and to and from dry Burrows, from and to Sea-ports, mixt adjacent; be keept, and so stop made there-intill, under the pain of Oppression, Q. M. p. 6, c. 513. Ratified, and ordaining such as small stop or impede the same to be charged summarly on Sex dayes before the Lords of Session, (as only Judges thereto appointed) to be decerned to have done wrong, and to dessift, and find caution for that effect, under such pains as shall be modelied, half to the King, half to the Party greived, and the probation to be by Famous Witnesses, and not by an Affise, Jam. 6, p. 12, c. 136.

Act in favours of Burrows of the West, discharging unwarrantable Exactions of Fishers in Lorb-sine, and other Lordso of the Magistras, an

That the Taxation of Burrows be not altered, bur fland as formerlle, that is to fay, that it be the Sex part allengerly of all general Taxations, Jam. 6. par. 11.

fay, that it be the Sex part anemary of an general part, to any cap. 111.

That no free Burgh, fell, or annailzie their freedom in haill, or in part, to any other Burgh, or any otherwayes, without licence of his Highnels, and Three, Effacts of Patliament, under the pain of Tinfel of Freedom of the Burgh, either buying, or felling, Ibid. cap. 112.

A&Ratifying all former A&s, and of new flatuting, that none exercise Merchandise not being free Burgess, under the pain of Escheat of their haill Moveables, halt to the King, and half to the Burgh whose Commissioners shall apprehend the same, but prejudice of Landed-men, to have some Merchandise to their own use, and behoove, Providing they sell not the same again, Jam. 6.

hend the lame, but places, their own use, and behoove, Providing they fell not the same again, Jam. 6. p. 12. c. 152.

That all Inhabitants in Burghs, whether they be admitted Burgesses, or not, Exercing Trasseque, or having change within the same. beartheir part of all Taxes, Stents, Watchings, Wardings, and all Dewies, and Services, touching the King, or Burgh, without respect to any Priviledge granted, or to be granted, except that the King may exeem one of ilk Craft for his own service, and without prejudice to the Members of the Colledge of Justice, lbid, c. 153.

That there be three Burghs bigged, one in Kintyre, another in Lochaber, a third in the Lewes; with all Priviledges Burghs, Jam. 6. p. 15. c. 263. See the Act in Highlands.

That there be no Exercise of Crafts in the Sub-urbs of Burrowes, but that the Magistrats, and their Officiars may intromet with, and escheat all work, wrought, or working there, to whomsoever the materials may appertain la.6.p. 12.cap. 154. And thir two Acts Ratised, extending the former to Iree and un-free, having heir commodine within Burgh, and having no other dwelling, and bearing no burden without the same, Jam. 6. p. 14. c. 225. But declared thus, that all residing within Burgh with their Families, who may spend a Hundred poouds a year, or are stented to be worth Two Thousand merks, be subject to burdens with the zest of the Inhabitants, exeeming and excepting us surrows where they

eap. 275.

That all unfree Tersons not Actual Burgesses of the Royal Burrows where they dwell, and payes no taxt, and stent, desist, and cease from using Metchandize, or any of the Liberties of the saids Burghs, under the pains statut against unfree Trafecquers, and that Letters of Horning be there on direct, charging the saids unfreemen to find caution to obey this Act, as also upon the decreers of the Convention of Burrowes, betwirt Burgh, and Burgh, and Burgesses of free Burrowes, upon ten dayes, lam. 6, p. 19, C.6.

That Letters of Horning on a simple charge of ten dayes, be direct on all Decretes, and Acts of Burrowes inter Consider, and others subject to their jurif-diction, and the Officers Execution thereof given on fifteen dayes, lam. 6, p. 13. cap. 177.

cap. 177.

That the Common gude of Burrows after the yearly rouping, and fetting thereof, be yearly beflowed at the fight of the Magiitrats, and Council, to the doing
of the Common affairs thereof, third, c. 181.

That the Magistrats at the initiance of the Heretor, take summar cognition upon
citation of the Party, of the condition of Lands Life-rented within Burgh, and

ordern the Life-renter to repair them within a year, wherein if the Life-renter fall-zie, the Heretour may enterto the Policifion upon fecurity found to pay to the Conjumb-fer, the mail the house may give the time of the cognition, and thils extended to all burnt, and wast Lands. Is. 6, p. 14, c. 236.

That Burghs and their shent Masters doe only shent Persons according to rheir rents, and holding within Burgh, but not according to their livings, and sents lying out with the same, Is. 6, p. 15, c. 276.

Ratification of all Priviledges, and Ads Invisvours of free Burrowes, and Burgesles, and especially of the Ads, Iam. 3, p. 2, c. cap. 11. Is. 4, p. 6, c. 34, Iam. 6, p. 12, c. 151, and p. 19, c. 6. (all here above) Declaring the Liberties confained in these Ads to be only proper and competent to the free Royal Burrows that have vote in Parliament, and bear burden with the rest. Car. 1, p. 1, c. 24. But this Ads corrected, and it is ordained that free-men of Royal Burghs, and none else may buy or sell, in great, or whole sile, Wine. Wax, Silks. Spiceries, and Wad, or Other materials for dying, and that none may import, or export the same, or import any other Commodities, except as this Adt allower, but prejudice to No-folemen, Frelates, Barrons, and Others of their Friviledge of importing for their own use, but it is declared Leasom to any subject, or any who shall buy from them to export cornes of the grouth of the Kingdom, all mannes of Cattel, Nolt, Sheep, and Horse, Coal. Salt, and Wool, Skins, Hides, and all Other native commodities, and Burghs of Regality, and Barrony, and their surgesses, shey shall buy in fairs, and Mercates, and Barrony, and their surgesses, shey shall buy in fairs, and Mercates, and all these exporters may import for their returnes, or fraught and hire of their Ships. Timber, Iron. Tar. Soap, Linr, Linr-seed, Hemp, Onious, and anceclaires for Tillage, or building, or the use of their Manuslatures, and allo be found to have any gudes, to be beught, or sold, exported, or imported, contrar

within the laid space, or if none will buy, then the Magistrats may buy, and re-build them, and this right to be an un-questionable security to the Builders, far. 2. p. 1. Self. 3. cap. 6.

That no Royal Burgh keep Mercats on Mononday, or Saterday, Car. 2. p. 1. Self. 3. c. 1. 9. See it in Mercats.

Burgessead Indwellers in Burghs Royal, may only arrest Strangers, living without the Burgh, for Horse-meat, or Mans-meat, Abuilzements, or other Merchandile, due to themselfs originallie, without bound, or security given therefore, otherwayes the Magistrats may be persewed for wrongions imprisonment, Car. 2. p. 2. Self. 3. c. 5.

BURIAL.

Act Reftraining the exerbitant expences, and numbers at Surials, and dif-charging absolutile Mourning Clocks, under the pain of an Hundred pounds (as. 2. p. 3. cap. 14.

BURNT LANDS.

Rules anent the repairing of burnt Lands in Burghs, 1. That if the Annual-renter, bear his part of the expence of repairing, proportionally to the Annual-renter, and Rent, he have his whole Annual the next term after the repairing. 2. If the Annual-renter and Rent, he have his whole Annual the next term after the repairing. 2. If the Annual-renter doe not contribut to the bigging he want the Sexth part of his ground Annual, the Fifth of his few Annual, and the Sexth of his top Annual, Declaring nevertheles the faid defeafance redeemable by the Annual-renter by payment to the Owner of Ten pounds, for ilk Merk given down. 3. If the Owner repair not within two years, then the Annual-renter may perfew his Annual (abating as above) as accords. 4. If the Annual lye upon the haill Tennement and a part of it be only burnt, and if the part that refts may pay the haill Tennement and a part of it be only burnt, and if the part that refts may pay the haill Annual, and twife as much to the Owner, then the whole Annual fall be payed, but if not, the Deduckion to be proportional, effeirand to the Thirting penny. 5. If the Annual be redeemable and the Annualler contribut as in the first Article then a half more of the furn in the reversion shall be ceked thereto. 6. If the burnt Land belong to a chaplain, and be not able, and the Fatton not willing, or not able, to repair it, then the Chaplain may set it in few, without the Fattons consent, (making alwayes the first offers to the Fatton) for the true avail. 7. If the Land belong to a Lite-renter, and Proprietar, then the Life-renter hat the preference if pleased to bigg, and therefore shall the Proprietar, and the Land shall be boundto resound after decase the third of the real expence to her Executions, or Aligneys, the Land being alwayes bigged as it was before, otherwayes the Proprietar than bigg paying to the Life-renter, the third of the free-maill, it payed before the burning, Q. M. p. 4. C. 10.

This order anent burnt Landsbetwixt the Owner, and Annuallet appoynted to

M. p. 4. c. 10.

M. p. 4. c. 10.

This order anent burnt Lands betwixt the Owner, and Annual let appointed to be observed, as to Lands in Edinburgh, and about it, belonging to the true subjects, and burnt by the then Rebels, Jam. 6. p. 4, c. 58.

Anent, Life-renters repairing burnt, or watt Lands in Burghs, Jam. 6. p. 14. c. 226. See the Actin Burghs.

BURSARES.

What Benefices, Patrones may prefent, and dispone to Bursares, See it in

ALUMNE. Oath of Calumne, See Affions.

CARDES and DICE.

That none play at Cards or Dice, in any Common-houfe, Town. Hoffellarie, Cookes Houle, under the pain of Fourty pounds, the keeper of the fair House for the first, and loss of Liberty for the second fault, and that there be no playing in any privat House, except where the Maßer playes; Andis roote be win m Twenty four hours, then an Hundreth merks, it shall be configued in the Kirk Thesaurets hand in Edinburgh, or in the Collector for the Foor his hands'in the Country.

Country, and Magistrats of Burghs, and Sherriss. and Justices of peace in the Country, are impowered to perfew for this superpina winning, or otherwayes are declared lyable to the Informers for the double, whereof the half to himself, the other to the Poor, Jam. 6. p. 23. c. 14.

CASHET.

The keeping of the Caftet committed to the Priyy Council, See Connec

CASTLES.

That every Lord, having Land, and Castles, and mannours thereon beyond the Month, big. and reparrell the same and dwell therein by themselevs, or their friends, for gude Policy, lam. 1. p. 5. c. 82.

That all havers of Castles, stuff and strength the same, against the English, Ja. 3.

That all havers of Caliles, fitth and ittength the lame, against the Lington, jac. p. 11. c. 23.

That he who has received fince the King (King James the fixth) his Coronation, or hall receive hereafter, money, lands, or other goods, for rendering the Kings Cafiles and Strengths, with his Munition and Jewels therein, be liable to reflore the fame, as extorted, la. 6. p. 7. c. 125.

Particular Affignation of money and victual for the better keeping of the Cafiles of Edinburgh, Stirling, Dumbarton and Blackness, according to the policition had by the Keepers of the faid Cafiles for five years preceeding. And declaring all deeds in prejudice thereof null, la. 6. p. 9. cap. 8.

CASUALITY.

The Kings Cafualities should not be given away in great, as these of a whole Country, or the confirmation of the whole Fewes of a Prelacy, or of any special Cerime, la. 6. p. 11. cap. 69.

CATTEL. See BESTIAL. CAUPES.

Caupes, that is a Hotle, Mare, Ox, or Cow, under the notion of best angle, taken by Heads of Kin, Clanns, or others in Galloway, for maintenance of the givers, discharged, under the pain of Reiss, 12, 4, p. 2, cap. 13. And that triall be taken of Caupes in Carrick, bid, cap. 19.

Caupes universally discharged, under the paines foresaid, 12, 6, p. 22, cap. 21.

CAUSES. See ACTIONS.

CHAMBERLAIN of the KINGS PROPERTY.

That Chamberlains and Receivers of the Kings Rents find foverty in Edinburgh, to make compt in the ordinary time in Exchequer, and payment twenty dayes thereafter, Ia. 6. p. 11. cap. 65.

Ratified and extended to all Chamberlains and Fewers of his Majeries property, Conflomers, Baillies of Burrows, Sheriffs, and Others Intromettars with the Kings duties or cafualities, Ia. 6. p. 14. cap. 230.

And both thir Acts ratified, Cat. 2. p. 1. Seff. 3. cap. 14.

All Offices of Heritable Chamberlainties of the Kings property declared null, Ia. 6. p. 16. c. 238.

CHAMBERLAIN of SCOTLAND.

Chamberlain Airs need not be continued, but continue of themselves untill dissolved by the Chamberlain, Ia. 3. p. 5. c. 39.

That the Chamberlain inquire yearly how the common good of Burrows is spent, Ia. 4. p. 3. cap. 36. See at in Burghs.

CHANCELLOUR.

The Lord Chancellor for the time hath right to prefide in all Parliaments, and other publick Judicatories. Car. 2. p. 1. Seff. 1. c. 1.

CHANCELLARY.

That the form of the Chancellary, in Brieves and other Letters, be observed, without innovation, or ceking new termes, under the pain of nullity, except the Brieve of Summonds of Error, lat 4: p: 3: 6: 24.

CHAPTER.

CHAPTER.

That the Chapters of Bishopricks remain according to their foundations. And the Ast appoints a new Chapter for the Archbishop of St. Andrews, in place of the Priory, referving to the Bishop his priviledge. That the common Seal to be made by him, shall serve for the Chapters consent, without their Subscriptions; And the old common Seal to be fussificent in the interims. Is: 6: pr. 18: cs. 3.

That the said appointment of a Chapter for St. Andrews consist of at least seven, to be chosen by the Archbishop, of these dwelling, and having charge within his Dioces: And the reservation above mentioned is renewed, Is: 6: pr. 19: cs. 3.

That all Deans, and other Members of Chapters of Cathedral Kirks be restored to their Manses, Gleibs, and Patrimony, for which end the same are dissolved from the Crown, without prejudice of Fewes, Tacks, and other Rights already lawfully made. As also, of Patronages disponed by the King, with consent of the Titular to Laick Patrons, albeit not ratified in Patisment. As also, of the excetion of the Priory of St. Andrews to the Duke of Lennex. And also to the Town of Edinburgh, of the Reats, Teinds, and Tenements disponed to them for their Hospitals, Colledge and Ministry. As also, of all Teinds and others disponed ro any of the Colledges of St. Andrews. As also, referring to the Marguels of Hamiltoun the House and Place of Hamiltoun, with the pettinents, in so far as they pertained to the Deanty of Glassow. to be holden hetesfer of his Majesty, with the whole other restrictions in the Ast restoring Bishops (See it in Bishops) in favours of Fewers, Tack-men and others. Him, as to the entering of Vasilis, the direct Superiour may do the same, without the consent of the Bishop, and remanent Chapter. Him, in stead of the Prior and Priory of St. Andrews, somethy because the Archbishop is to be chosen by eigh Bishops, and sive Ministers named in the Ast, or the most part of them, The Bishop of Osnekell Convecence, and Vicar-General: And three Bishops, are added to the ordinary Chapte

CHARGES Super Inquirendis, or under the pain of Treason. See Inquirendis.

CHARTERS.

Charters under the Great Seal should have the Precept of Seifing ingroffed . and may be written Book-wayes, Ca. 2. p. 2. Seff. 3. cap. 7. See Precept of Seifing and Seal.

REGISTRATION of CHARTERS See Registration.

CHAUD-MELLA. See Fore-thought Fel-

CLANN. See High-lands.

For flouth or reiff committed by any notorious Thieves, of the Clanns of Thieves, any other of the Clann, their fervants, or dependers may be feized, untill the Principals, or others of the Clann cause the skaith be redressed, or at least find soverty for that essed, in case it be found that the ossender was any way refer among the Clann after the deed done, Ja. 6. p. 7. c. 112.

As also, the goods of any other of the Clann, &c. may be seized, as said is, without any danger of spailing, or violent profits, and the Sheriss, or any other rerion of power present for the time, being desired, should concur and assist to the said seistime of Persons and goods, under the pain of repute and lyable as parakers. Ja. 6. p. 10. c. 16.

If goods taken by one Clann be transported to another, that the chief of the Clann where the goods of his wiring are received, be required to make redress, and resulting, belyable: And shaugher or hurt done by the Owner, in pursuit of his goods, is fully indemnified, Ja. 6. p. 11, c. 100.

CLERK, or CLERGY-MAN.

That no Clerk, nor Clergy-man pass, nor send Procurators for him over Sea, ithout the Kings leave. Ja. I. p. I. C. 13.

That no Clerk purchase any Pension out of any Benefice, or raise any Pension alady granted, under all highest pains. Ibid. 14.

That Clergy-men be oblidged to warrand their Fews and Tacks from their own
fits and deeds allanerly, Ja. 6. p. 11. cap. 29. See Barratrie and Benefice.

CLERK of the SESSION. See Seffion. SHERIFF-CLERK. See Sheriff. CLOATH.

That Woolen Cloath be ment by the Ridg, and not by the Selvedge, Ja. 3, p.s.

tap. 32.

That no man draw Cloath, under the pain of sining the Cloath and freedome for year and day: and that there be an able man appointed for trying and fealing the cloath and colour, Ja. 5. p. 7. c. 112.

COAL-HEUGHS, COALLIERS, &c. COALS.

That no Coals more then necessary provision be carried forth of the Realm, moder the pain of consistation of the Coals, the Vessel and all the Goods therein belonging to the Owner of the Coals, Q. M. p. p. c. 84.

Ratified, and the revealer and pursuer have the third of the Eschear, Ja. 6. p. 6;

willfull firing of Coal-heughs declared to be treason, Ja. 6. p. 12. c. 146.

That no great burn Coal be transported, under the pain of confication thereof, and of the Vessel; and that the Magistrates of Burghs, and Customers, and Searchers apprehend the contraveeners, and arrest the saids Vessels, Jam. 6. par. 15. cap.

That none hire Coalliers, Coal-bearers, or Salters, without they have a Te-flimonial from their laft Mafter, or an Attendation from a Judge, of the cause of their away-coming; and who otherwayes hires or intertains them, if challenged within a year, shall deliver them back within twenty four hours, under the pain of an hundred pounds. And the saids Coalliers, Coal-bearers, and Salters, receiving fore-wages, to be punished as Thieves. Item, Coal, and Salt-masses, may apprehend, and put to labour all Vagabonds and sturdy Beggers, Ja. 6, p. 11.

This Aft extended to Water-men, Windef-men, and Gatef-men in Coal-hewghs. Itom, That no Coal-mafter give any greater Fee to Coal-hewers then twenty menks in Fee or Bounteth: And that the Coal-hewers, and other workmen in Coal-heughs. and Salters, work all the fex dayes of the week thotow the year, except the time of Christman, under the pain of twenty faillings per diem, belief their Masters prejudice, and corporal punishment, Car. 2. par. 1. Self. 1. Cap. 56.

COAL MEASURE. See Measure. COCQUET.

That all Coquets be special in the quantity and quality of the Goods, and the Owners names; and that the Conservator admit of no other Cocquet, but confiscat all Goods not therein expreemed, Ja. 6, p. 15 C. 255.

That the Conservator arrest all Ships wanting formal Cocquets, and escheat all the Goods therein to his Majestles use. Ibid. cap. 256.

That Cocquets pass in the names of the principal Owners of the Goods, and not in poor mens names, Ja. 6, p. 18. C. 6.

That no greater price be exacted for entering Ships and Goods then twenty three shillings four pennies: And for the Cocquet fourty shillings; And that the keeper of the Cocquet attend his Office, and exact no more, under the pain of deprivation, Car. 2, p. 1. Sess. 1. C. 55.

COLLEDGES. See Schools and Universities. COLLEDGE of JUSTICE. See Seffion. COMBAT.

That none fight any fingular Combats, under the pain of death, and escheat of averables, and the Provocker to be punished by the more ignominious death, Ja.

COMMENDS

commends bygone, and in time coming discharged, under the pain of the often porality for the purchasses time, and als under the pain of schellion, cept that the Ordinar may commend for sex moneths, Ja. 7, p.r. cap. 3.

1-1-7 se not laden

COMMISSARS.

The Commiffars Judges competent to Actions of Senefices, Jam. 6, par. 1.

The Commission of Edinburgh appointed, two of them to be nominal by the Archbishop of St. Andrew, and the other two by the Archbishop of Glagew, with fole power to decide in alleanders of divolvements, and to reduce all other Commission Decreets, in prima inflantia, with subordination nevertheless to the Lords of Session, 12.6, p. 20.6.6.

That Commission keep directs in Spring and Harrest vacance, for confirming Testaments in places convenient in each Presbytery, and thereto cire Passies perfonally, or at their dwelling houses, and Kink doors on Sabbaths after Jervice, Car. 2. p. 2. Sess. 1. cap. 19.

CORNES. See VIL NOISSIMMOD That no Commission be given for serving of Brieves, or comprissing of Lands. or to the Judge ordinary, unless he be called to the giving thereof, Ja 5. 9. 6.

The King may give Commission to try. Fornicators, Ja. 6, p. 1, cap. 13. As alfoto try such as shoot at Doe and Rac, Cunney, Hire, Dove, Sec. Ibid. C. 16.

As also, to try slayers of black Fish and Smolts, and curters of green Wood! Ibid.

As allo, to try tayers or olse trim and Smotts, and Cauches to getter the Act for observation of the Sabbath, Ja. 6, p. 5, c. 70. And the Act about Seggets, Ja. 6, p. 6, c. 74. And the Act for punishing the observers of supertitious Rines, Ja. 6, p. 6, c. 74. All special Commissions of Justiciary should be made By Signatures, and pass the Quartet Seal, that the Respondees may be made thereon; and the obstance should find soverty at the Chancellary, to report his diligence within fourty days, under the pain of fourty pounds: And that no Commission be granted on laughter, but the Chief Justice and his Deputes to proceed theseupon, Jam. 6, par. 31.

er, on the case the same state of purities of purities of before, and that none be granted hereafter generally, or longer then for the cisand in hand, and apon Caution to produce the Process, and pay the illust to the King, as effects, la. 6, p. 12. c. 126.

That Commissions for executing of Penal Statutes be only granted to honest men of good quality, sufficiently authorized by the Lords of Secret Council for

This Commissions for executing of Penal Statutes be only granted to konest men of good quality, sufficiently authorized by the Lords of Secset Council for that effect, In. 6, p. 23, c. 23.

His Majesty may nominat Sheriss Deputes, Justices of Pesce, or other Commissioners for executing the Laws against Field Conventicles, irregular Martiages and Baptisms, and invading of Ministers, Car. 2, p. 3, c. 4.

'His Majesty may by himself, or any Commissionarby him, take cognition and section of any case or cause he pleases, isid cap. 13. Se the Ack in King.

COMMISSIONERS to PARLIAMENTS and CONVENTIONS. See Parliaments.

COMMUNION, or LORDS SUPPER.

That the Parsons of all Paroch Kirks furnish Bread and Wine to the Communi-on, so oft as it shall be administrat, Ja. 6. p. 3. c. 54.

That all men Communicat once a year, without respect to the excuse of deadly Feede, under the pains, viz. the Earl of a thousand pounds, the Lord of a thousand pounds, the Lord of a thousand pounds, the Lord of a thousand pounds, the Free-holder three hundred meets, the Free-holder three hundred meets, the Free-holder three hundred meets,

COMPANIES. See Fishing and Manufa-Eturies.

COMPENSATION.

That Compensation de liquido in liquidom, instantly verified by Wart or Oath, be admitted by all Judges before Decreet, but not by way of Sulpension, or Reduction of the same Decreet, Ja. 6, p. 12. c, 141.

COMPRISSING.

That failzieing the Debitors Moveables, the Shireff cause sell his Land, and pay the debt redeemable by the Debitor, upon payment of the price and expence to the over-Lord, for Charter, Seising, and Infestment; and if the Sheriff sind not a Buyer, that he cause Apptise the Land, by thirteen of the worthiest of the Shire, and assign to the Creditor to the vaul of his sum. Item, That the over-Lord receive the Creditor, or the Buyer, upon payment of an years Maill, as the Land is set for the time, or else he may take the Land to himself, and undergang the debt, Land, e.g., e.g., a.g., a.g., a.g., e.g., a.g., a.g.,

ceive the Creditor, or the Buyer, upon payment of an years Maill, as the Land isset for the time, or else he may take the Land to himself, and undergang the debt, Ja. 3. p. 5. cap. 37.

That the Comprise within the Legal, have only right to as much of the Maills & duties as corresponds to the Annualrent of the principal sum, comprised for and if the Maills and Duties exceed, and he please to intromet therewith, that they be aftribed in payment of his principal sum, pro tasses; And if his said intromission hall extend to as much as will stains the principal sum, and Annualrents thereof, the expences in passing and obtaining of infettment from the Superiour, with the Annualrent of the saids expences, and the necessary charges and expences made in Leading the Comprissing, then the Comprissing to expite info sales. Item, The Legal does not run against a Minor, but he may redeem by payment, as said is, at any time within his perfect age of twenty five years compleat: Test if the seven years of the Legal run out in his Minosity, the Comprisser the reafter hashing he to the whole Mailles and Duties, albeit they exceed his Annualrent. Item, If a Minor succeed to a Minor, he hath right to redeem, as if the Comprissing had been led against himself. Item, If a Major succeed to a Minor, after the seven years run against the Minor, then the Major hath only year and day to redeem; but if the seven years were not out-run in the Minors time, then the Major may redeem within the seven, as if the Comprissing had been led against himself: But if the Ryst of the Lands comprised, do not render to the Comprisser his Annualrent, then Major or Minor redeeming, must compleat the same: And if the Rent of the Land be Victual, then it is to be estimate by the common prices of the Shire, betwix Instant and Candlemas. Item, This Act extends not to Comprissings expired before us dute, Ja. 6. p. 21: c. 6. Annus 1621. And this again Rairied as to Minors, but corrected in that, that Minors, during their Minority, are only oblidged for the Annua

A Compailer of Lands holden of the King, wanting his Authors Chartet under the Great Seal, may extract it off the Privy Seal, if it be not Registrat at the Great seal, and get the Great Seal appended to it at any time, providing this prejudge not a third Party, who hath an Infeftmens of these Lands passed the Great Seal, which is only of force against the Person from whom the Lands were comprished, and his Aits and Successors, Ja. 22, 620.

Act discharging the Registration of Comprissings, but ordaining them to be 41-lowed and recorded within fixty days after the date, otherwayer a posterior Comprissing first recorded to be preferred, as to this step of diligence; but prejudice of fatther diligence by Charges, Sec. prose de jure, Cat. 2. p. 1, Sest. 1.

prifling first recorded to be preterred, as to this kep of arther diligence by Charges. &c. pross at juri. Cat. 2. p. 1. Self. 1. cap. 31.

The legal reversion of all Comprissings, either to be led, of whereof the Legal not then expired, extended to ten years: As also the Reversions of all Comprissings led since January, 1652. or whereof the Legalls not then expired, prorogard for three years after Whit sanday, 1661. Item, Where the Rent of the Lands exceeds the Annualrent of the sums due to the Compriss, the Debitor may cause him rethrick his possession, without prejudice of his right upon the expiration of the Legal. Item, That all Comprisings led since the first of January, 1652, and to be led in time coming, before the date of the first effectual Comprising. (That is to say, the Comprising parterable in refered of Infestment thereon, or instead dligence for obtaining the same) or after, But within year and day thereof, come impari pass, the posterior (or not preferable). Comprisers, always saturying the sint effectual Comprising to the Laws and practicage now standing. Item, 18 a Comprising sorreal Annualments, and other debut sanday, which are to be effectual and preferable; according to the Laws and practicage now standing. Item, 18 a Comprising the deficuous to take Lands in security or faristaction of his debt, the Debitor shall be holden to give the same at the Lords of Selfion their sight, or other wayes shall forficial benefit of this Act. Car. 2.p. 1. Self. 1. C. 62. Annu 1661.

But there is an exception made from this Act, as to compriser coming in pair-pass, where a second Compriser hat said shall, and acquired right to it, bosses side, before the making of the said Act, in which case he is not to be prejudged as to his right of the foretaid first Comprising, and only his own second Comprising, is no come in pari passawith the self. Car. 2. p. 1. Self. 3. C. 22.

COMPTROLLER.

That the Comptroller charge himielf with the whole Rent of his Highness Pro-erty, and be answerable for all the removeable Chamberlains, 23 being in put by imfelf, and that he do diligence against such as are Heretable, Jam. 6. par, 11.

cap. 67.

That no precept, or discharge of the property be allowed in Excheker, except subscribed, and excepted by the Comptroller. Ibid. cap. 67. See

Explosive.

All few Infertments, or Confirmations of the Property, whereby the flate the Lands is altered, not fublicibed by the Comptroller; and pathing his Registate null, la. 6, p. 12. C. 127. Ratified and extended to all infertments of the Property in general, lam. 6, p. 13. C. 171.

CONDITION.

That no un-lawful, or impossible conditions be made in Contracts, or Obliga-tions; such as for a Farry to consent that what ever be his distance. a Charge upon a flort day, and Denounciation, both at the Mercat-cross of Edinburgh, with Regi-stration in the Sherristis-books there. hall be fufficient, but the same are here de-clared un-lawful, and void, Jam. 6. p. 12. c. 138.

CONFESSION of FAITH, See Minister, Papist, Religion.

Papift, Religion.

Act Annulling all former Acts of Parliament not agreeing with Gods Word, and contrary to the Confession of Fairb, Ratified in this Parliament, and whereof the tenor is subjoyned to the Act, In. 6. p. 1. C. 3.

The Confession of Fairb, and Doctrine of the Protestants of Scotland, authorised by the Estates of Parliament as a Doctrine founded on the infallible Word of God, and whereof the heads follow, First, of God. 2. Of the Creation of Man. 3. Of Original sin. 4. Of the Revelation of the promise. 5. The continuance, cacrease, and preservation of the Kirk. 6. Of the Incatnation of CHRIST JESUS. 7. Why it behoved the Mediator to be veric God, and veric Man. 8. Election. 9. Christs Death, Passion, and Burial. 10. Resurrection. 11. Ascension. 12. Faith in the Holy Ghost. 13. The cause of gude Works. 14 (But in the Old Copies marked 15.) what works are reputed good before God. 15. The perfection of the Law, and Imperfection of Man. 16. Of the Kirk. 17. The Immortality of the Soul... 18. Of the Notes by the whilk the true Kirk is discerned from the false, and who shall be judge of the Doctrine. 19. The authority of the Scripture. 20. Of General Councils, of their power, authority, and cause of their Convention. 21. Of the Sacraments. 22. Of the right administration of the Sacraments. 23. To whom Sacraments appertain. 24. Of the Civil Magistrat. 25. The Gifts freely given to the Kirk. Thir Acts, and Articles Read, and Ratified by the Three Estates, upon the Seventeen day of August, 1760, Jam. 6, p. 1. C. 3.

That all Ministers of Kirks, or beneficed Persons, or who hath pension, or portion, forth of Benefice within a Moneth after his admission, subscribe the Confession of both in the Kirk, where he hath interest on a Sabbath day the time of Divine Service. Item, that any such schmission, and persisting, or relapsing after admonition, be deprived of his fourth living. Iam. 6, par. 3. C. 46. Item, that no license given to any Article of the said Confession, and persisting, or relapsing after admonitio

CONFIRMATION of INFEFT-MENTS.

That in all Kirk, or Crown Lands holden of the King, the first Confirmation be of avail, and prevail the second Confirmation by way of exception, or reply, albeit it be of the first infestment, without prejudice to these having interest to quartel the Infestment confirmed upon unlities, or other reasons competent. Item, that no such double Confirmations be granted the reaster, and that the keepers of the Seals do not pais, as also that the second Confirmation be of none avail, 1am. 4.

CON-

CONFIRMATION of Kirk-lands, See Kirk, and Kirk-lands.

CONJUNCT-FIAR.

A Woman Conjunct fiar Ratifying her confent, to the alienation of the Lands ade by her Husband, by her Oath in Judgement, that She hall not come in the mittary, will not be heard to quartel it, or alledge Compulsion. Itm, 5.p. 11.

contrary, will not be heard to quartel it, of alledge compulsion. Itm, 5.p. 11. cap. 34.

That the conjunct flar, of Life-tenter, required by the Shireff, or Baillie, find foreity not to deftroy the Lands of Houles, but hold them in such case as the finds them, the Act provids also reasonable living for the Aire, but this part of it seems only to respect the Wardator, 1a. 4.p. 3. c. 25. See Wardator.

This Act Ratified, and the Shirress, and Other Officiars strictly enjoyined to put the same to Execution when required, and impowered to charge for the said Soverty on Twenty one dayes, under the palm of the Tinsel of the profites of the Lands. Iam. 5. p. 4. c. 15.

ny on 1 went, one cases, unter the parameter to Lands given in Conjunctifies, and both thefe Acts ratified, and extended to Lands given in Conjunctifies, as il to Burgh as to Land; with a particular order for the execution thereof within 12th, lat & p: 14: capt 246. fee it in 8 wrgh.

CONSERVATOR, See Low-countries.

That the confervator have jurisdiction to judge with Sex., or at left Four honest detchants with him, betwirt Metchant and Merchant beyond Sea, and that no derchant perfew another before any other Judge, under the pain of Five pounds, and the Parties expences, Jam. 4: p: 6: cap: \$7.

That the Confervator come home yearly, or fend a Procurator to answer for him, near the pain of Tinsel of his Office, and of Twenty pounds great to the King, hid cap.

nder the pain oid: cap: 82. That the Bidic cap: \$2.

That the Confervator admit no Cocquet, except the Merchants, Skippers, and Factors, sweat that they have no forbidden guider, nor no lawfal guides beside what it is in the Cocquet, and that they know of none in the Ship pertaining to others, and that fo far as they know, all the guides pertain to Free-men, as also, that before the loadning of the Ship for her return, they swear that the guides pertain to themselvs, and not to Strangers, otherwayes the Conservator may arrest the Ship, and guides, at left all the guides of the refuser, lam: 6: par: 15:

The Confervator should put the Acts against warie to Execution, upon all Scots Merchants, Skippers, and Factors, in the Low-countries, and compt thereupon

Merchants, Skippers, and Facto

CONSTABLE of SCOTLAND.

That the Confiable, his Deputes, and Ministers, take no distresses the time of the Session, or Parliament, of things brought to Mercatuntill his Infestment be seen, Ia 2: p: 13: cap: 60.

That in Parliament time, or Faits, great Constables use no extortion for what they call their Fees, Ia: 3: p: 5: cap: 34. See it in Fairs.

CONSTABLES, See Justices of Peace. CONVENTICLE.

All Gonventicles, or privat meetings In Houses, under the pretence of Aeligions exercises discharged, Car: 2: p: 1. Sessi: 2: cap: 4.

That no outed Minister, or Other not licensed by the Council, on by the Bishops, preach; expone Scripture, or pray in any meeting, except in their own Houses, and to those of their own Families, and that none be present, at any such unlawful meeting, under the pain of being guilty of keeping Conventicles, and the Preacher, Exponer, or Prayer, to be imprisoned until he find Cautton, under the pain of Fiver Housiand merks not to doe the like, or enach humself to remove out of the Kingdom, and not to return without His Majestie's slicense, and the Persons present to be sined, each Heretor, Life-renter, or Wodsetter, in a fourth of his valued rent, each Tennent, and Merchant, or cheis Trassistant, in Twest promote Stevis, and each serving Man. in the fourth part of his years see, and that for Wives, and Children in Familie transsgressing, the half of the said respective sines be payed, and if the Master, or Mistress of the House be present, that they be fined in the double, and that all be Imprisoned untill they make payment, and farther at the Councils pleasure, and Magistrats of Burghs Royal, are declared to be lyable for every Conventicle within Burgh, as the Council shall determine, for which they shall have their relief of the Master of the House and Others present, at the sight of the Lords of Council, Reserving nevertheless to the Privy Council, to since the saids sinhabitants if they please for Gonverticles, either within, or without Burgh. Item, that who unlicensed as said is shall Preach, Expone Scripture, or Pray at a feild meeting, or in any House where there be more nor the House contains, so as some be without Doors, (which is declared to be a Feild-Conventicle) or who shall Convocat any number to these meetings, that they be punished with death, and escheat of gudes, and the Apprehender of such Persons to have Five Hundred merks reward, and Heretors, &c. and all other

for three years, unless his Majenty commune amongs, the first three, and longer as his Majesty shall appoint, and that Majestirats of Burghs be careful to Execut the same upon their own Burgesses, and they, and the other Judges above-mamed, be diligent, and give accompt of their diligence yearly the first Thursday of 74/9, to His Majestie's Council, under the pain of Five Hundred merks, Cat. 2, p. 2, Sest. 5: 6. 17.

The toressid pains of field-Conventicles doubled, except as to Burgesses of Burghs Royal, and of Regality, and Barrony, and they, beliede the former fine, are ordained to loss there Burgesships, and be banished the Town, Cat. 2, par. 3. cap. 4. This A& doeth not expressly continue the former A&ts, but supposes them to be continued as they were by his Majestie's pleasure fignished to the

CONVENTION, of ESTATES, See

The Convention of Estates, 1643. held without warrant from His Majesty, rescended, with all the Acts thereof, Ca. 2. p. 1. Sest r. c. 6.

Convention of Estates holder at Edinburgh, the 4 August, 1665. And Act thereof for raising a Taxation to His Majesty of 40. hillings the pound Land of old extent. termly, or yearly, for sive years, begunning the first term or year, at Whitesonday 1666. and proportionally upon the spiritual State, and Jurganes, Act of Convention 4 August, 1665.

Convention of Estates holden at Edinburgh, the Twenty third day of January, 1667, and Ast thereof for raising of Seventy two Thousand pounds Monethly to His Majesty, for Twelve Moneths after the said Moneth of January, inclusive. Ast of Convention as of January, 1667, 1678, 1672, and Ast thereof for Convention of Estates bedden at Edinburgh in Judy, 1872, and Ast thereof for raising of Twenty five Moneths Cess, extending to Eighteen Hundred Thousand pounds Sest, to His Majesty, in Five years space, being Five Moneths Cess yearly, to be payed at two terms in the year, beginning the first term at Martimels, 1678, Act of Convention to July, 1678, See Supplie.

CONVOCATION Un-lawfull, See Leagues.

That none prefume to Convocat, Conveen; or Affemble themfelvs, for holding of Conneils, Conventions or Affemblies, to treat, confult, and determine, in any matter of State, Civill, or Ecclefiastick, except in the ordinarie Judgements, without the Kingstommand; or experis Licence, under the pain of un-lawfall Convocations; Jam. 6, p. 8, cap. 131. Revived, and Ratified, and that to explain this Act, as that they are not to extend to Conventions, etc. Holden het for prefervation of the King Religion, and Laws, and good of the Kirk, and Kingdom, is a falle and difloyal Glois, Cat. 2, p. 1, Self., 1, cap. 4.

CORNES, See Victual.

That willfull Deftroyers, and Conters of growand Cornes, be punished, to the death is Theires, Is. 6, p. 11. c. \$2.

COVENANT, See Leagues.

The National Covenant as footn, and explained, in the year 1638. And the Solemne League and Covenant, declared null, and void, Car. 2. par. 1. Seff. 2.

COUNCIL

Who invades, or Perfew any of his Highness Seffion. Secret Council, or Officiart, in being verified, and tried, that the same was done for doing of the Kings Service, shall be punished to death, Ja. 6. p. 16. c. 4.

Commission to the Council for ordering the home bringing of Bullion, and discharging the transporting of Gold, Silver, and forbidden gudes under such pains is they shall think fit. Ibid.esp. 9.

At Ratifying the Commission given by King James the 6th, April 1603. To the Lords of Councils: To redeave relignations of Landsholden of his Majesty, and give Inferiments thereupon, together with the faids Infertments; as also all Confirmations granted by His Majestie's ordinary Officiares; declaring the same paifing His Majestie's Cashet; and other Registers, and Seals to be as valide, as if they had past under His Majestie's own hand, Ja. 6. p. 2. c. 14.

The Kings Council impowered to appoint prices for Writs omitted in the Act of Passiament made thereament, Ja. 6. p. 2.3. c. 19.

As also to set down and impose penalties for Justices of Peace; not keeping their meetings, as also to amplifie, and enlarge the power of the saids Justice, as they shall sec cause, Car. 1. p. 1. c. 25.

As also to set prices to Ale, Drinking Beir, and Bread, Car. 2. par. 2. Sess. 15.

cap: 15.
As alfo to lay on moderat Cuffernes, at Bridges, Causaes, and Ferries for repairing, and upholding the same, in case the fient appointed by the Act be not sufficient, Car. 2. p. 2. Sell. T. c. 16. See it in Wayer.

COURTS COL TO MOT

Thir all men come to Courts in sober manner, with no more nor are in his daylie houhold, and that they lay by their Weapons, and Shirreffs put Persons at feede under Laborrows, Jam. 2, p. 14, cap. 82. Ratified, Jam. 3, p. 14, c. 104, and Ja. 6.

under Laborrows, Jam. 2, p. 14, cap. 82. Ratibed, Jam. 3, p. 14, c. 104, and Ja 6, p. 8, cap. 140.

That no man ride to Courts with more Persons, then they may suffain in houshold daylie; except the Kings Officiars in the Execution of Justice, or for some bearing of the Kings authority, Jam. 5, p. 4, c. 28.

In what maner Persons should compear in Criminal causes, Q. M. P. 6, cap. 41.

See it in Crimes, and both this Act with the former, Ja. 2, p. 14, c. 82. Ratified under the pain of un-lawful Convocation, aswell against these Convocat, as the That all Judges fence and keep their Courts, at the hour of cause, which is de-clared to the Eleven hours before noone, Ja. 6, p. 11, c. 86.

COURTS of GUERRA.

That no Courts of Guerra be holden, by no manner of Person, under the pain of Slaughter, Reiff, and Usurpation on ther Kings Lieges, and his Authority. Ja. 3. p. 8. c. 70.

HEAD-COURTS.

That Free-holders compear at the Three Head-Courts, Jam. 1. par. 9. cap. 130.

it in Free-holder, hat all Sheriffs, Stewarts, and Baillies, hold their Three head-Courts by nicles, in proper Ferfon, and that all Free-holders give Suir, and prefence, ney owe the same, or fend sufficient Suiters, if they owe but Suit; Jam. 5:

CRAFTS, and CRAFT-MEN, or WORK-MEN.

That ilk Craft have a Descon, to be chosen by the Craft, with consent of the Officiar. of the Town, for governing and eslaying all works, before the Craftmen of that Craft, Jam. 1. p. 2. c. 39.

That thir Descons shand till the next Farliament, but have no Correction of the Craft, but allanetly essy their Work, Ja. 1. p. 5. c. 77.

That the Aldermen, and Council of ilk Burgh upon Oath prize the matter and travell of Work men, and made work, and make the price known to all, Ibid. cap. 78. And that they ordain Work-mens fies, Ibid. 79.

That no Work-man take more work in hand nor he may fulfill, under the pain of the value to the King, beside the fulfilling to the Party, and that where a Workman lets to fulfill his work, another if tree of other Mens work refuse not far just sie, otherwayes to be punished at the Kings will, Ibid. cap. 80, and Jam. 5. p. 7. c. 111.

Deacons of Crassadischarged, and the sormer Acts, appoynting them revoked.

Ja. 1. p. 6. c. 86.

Deacons or craits uncharged, and the Jormer Acts, appoynting them revoked, Ja. 1. p. 6. c. 86.

That Councils in Surghschoife a Warden of every Craft, with Affiftants to prize the matter, and Workmanning of ilk Craft. and punish the Offenders, and that in Shires, Bartons gar prize in their Bartonies, and punish accordingly, Ja. 1. p. 7. c. 103. See Prizes.

That there be in ilk Burgh a Deacon of the Goldsmiths to mark made work, and his fie a pennie of the ounce, Jam. 2. par. 14. cap. 65, and Jam. 3. p. 13.

cap. 96.

That no Craft-men, nor Cordonerstake Custom from such of their own Craft, as some to the weakly Mercat, other then was wont by old Law, under the pain of buying his life therefore, as for common Opptession, Jam. 4, par. 4.

cap. 42.

That all Descons of Crafts ceafe for an year, and have no other power, but the examine the finess of stuff, and work. Item, that all makers, and users of the statutes, (that wages be payed for Holy-dayes, as well as for Work-dayes, and that no Craft-men end the work begun by another.) be punished as Oppressor

that no Crair-near that the lbid. cap. 43.

Who have biggings, and reparation, elther to Burgh or to Land, may choife Crafti-men, free or un-free as their pleasure, and where he that begins delayes to end the work, others may be taken in his place, and that no Crafts-man make-limpediment thereto, under the pain of Tinsel of his Free-dom. Ja. 5. p. 7. c. 111

end the work, others, under the pain of Tinfel of his Free-dom. Ja., 2. 7.
Impediment thereto, under the pain of Tinfel of his Free-dom. Ja., 2. 7.
That there be no Deacons of Crafts, but a Vifitour of every Craft, cholen yearly by the Proveft, Baillies, and Council of the Burgh, to vifie the Craft leilly upon Oath. but without any power to gather, or conveen the Craft, and this Vifitour, to have vote in choifing of the Officiares, and otherwife as Deacous had.

Item, that no Craftf-man bruik Office within Burgh, except two of them to be chosen yearly on the Council, and on the auditing of the Compts of the common gude, and the breaker of this Act, to be punished by wairding for a year. Tinjel of Freedom, and the escheat of a third of their moveables, Q.M. Par. 6.

CREDITOR.

That no deed made by a rebell un-relaxed, be valid against a Creditor. Item, that no gift of Escheat, Assignation, or other right thereto, alledged made in defraud of the Creditor, and in savours of the Rebell, be valiable, if it be instandy verified by writ, that the Rebell is still at the horn, for the same cause, and that it be a good exception against any pretending title by Assignation, or gift of the Rebels escheat, that he, his Wite, Saims, or Friends, remain in poffession to his behoove. Ja. 6. p. 12. c. 145. See frandful Alienations, Bankrupt, Desiter, and Creditor, and Escheat.

CRIMES, and CRIMINAL Process.

CRIMES, and CRIMINAL Process.

Crimes may be persewed by the Shirress in the Kings name, if no follower Appear, Ia. 1, p. 13. 6. (and Iam. 6, p. 11, c. 76.) And that the Law for seven years (fin the year 1434.) be holden where the trespals was done, without deferring to Begalities, or Surrowes therein, Ia. 1, p. 14. cap. 148.

That in Criminal Persuits the Letters be subscribed by the Writter, and Justice Clerk, and his Deputes, and that the Justice Clerk take sovernie for reporting the same, under the pains contained in the Letters. Item, if the Defendar in muliation be associated or a multitude called for any crime, and be found innocent, the Petsewer shall be in an usu-law of Tem passus; less or more to the Defender, and pay the expences of the Associate, at the discretion of the Justice, and who has not in gades, may be punished Cooporally, Iam. 5, par. 4, cap. 35. Item, the accused being found innocent, that their expences be modified by the Justice, Justice Clerk, and their Deputes, beside the foresaid pains for such as are acquit, or pass from. Ja. 6, p. 11, c. 87.

In Criminal causes the Persewer may compear with four, and the Defender with Sex of his Friends, and no more, otherwise the Justice may charge the Breakers to enter their Persons in waird, there to remain during the Queens pleasure, under the pain of Rebellion. And if they disobey, put them to the horn. Q. M. P. 6, c. 41.

The top Criminal Letters be direct against complices in general hours and the parties of th

the pain of Rebellion. And if they disobey, put them to the horn. Q. M. p. 6. c. 41.

That no Criminal Letters be direct againft complices in general, but againft focial Persons complained upon: And that no Officiar presume to charge Complices given in Bill. Item, that he summond no more Persons without special warrant, to be Affisiours, then Fourtie sive, given him by the Persewer, in-a Roll surface and that under the pain of Five hundred merks, and Deprivation, and his Person to be in the Kings will. 1a. 6. p. 6. c. 76.

That no Officers summond more Persons on Affises, but as above, nor put out nor put in the salds Rols, for gratitude or good deed, under the pain to be punished as an Oppressor to Death, lam. 6. p. 11. c. 33. But now the Roll of the Affisours is appoynted to be Signed by the Judges, Cat. 2. par. 2. Sess. 3. cap. 16. Concerning the Justice Court. That the unjust Persewer in Criminal persuss, if the Persons be acquir, and within the number of Ten, pay Ten pounds, and if more, Twenty pounds; and that doom be given therefore, and the Party keept in waird, until he make payment, and if the Kings Advocat be only Persewer, that his Informer be lyable, and Letters of Homing and poynding therefore summarly direct on the Act of Adjournal. Item, that the Justice Clerk, and his Deputes, take foverty at the giving of Criminal Letters. for the reporting of them dulie execut, and that the raiser shall insist, under the pains contained in the Act of Parliament, 1a. 6. p. 6. c. 78. See the pains, in Pains.

Capital crimes are reckoned. Treason, Slaughter, Mutilation, Adultery, Incess. That the lowerty to be found in Criminal pursuits by the Fursuct to report, &c.

That the lowerty to be found in Criminal pursuits by the Fursuct to report, &c.

Capital crimes are reckoned. Treaton, Staugner, Muniation, Adultery, Inceft, Theift, Common Oppreffion, Ufury, Perjury, and Falshood, Jam. 6. par. 3. cap. 152.

That the foverty to be found in Criminal pursuits by the Pursuer to report, &c. and the Defender to compear, be found by them allo for their compearing in sober manner, with the numbers prescribed, Q. M. p. 6. cap. 40. Reckoning their Proloquitors, otherwayes the pains to be incurred by the putilities and the defender to be adjudged absent and sugitive. Item, That the suffice and his Deputes make record of the persons present in Court, contrary to the said Ady, and cause denounce them. Item, That in the premisses Denounciation made at the Mercar Cross of the head Burgh where the suffice Court sits, and Registration in the Journal Books shallbe as sufficient as Denounciation and Registration in the Shire where the Rebells dwells, Ja. 6 p. 8. cap. 141.

The Thefauter and Advocat may pursue all crimes, albeit the Parties should be filent, or agree, Ja. 6. p. 11. c. 76.

That all Criminal Libells, Libell Art and Part, which part of the Libell shall be relevant against all exceptions, Ia. 6. p. 12. cap. 151.

That in all Criminal pursuirs, the Defender, or his Advocats be the last speakers, except in cases of Treason and Rebellion against the King. Item, That the Defender have the list of Witnesses to be made use of against him, given him with the Libell, and the Pursuer in like manner such as the Defender incends to use for Exculpation with the Summonds thereof, Cas. 2. p. 2. Sell. 3. cap. 16. converning the Justice Court. See Justices

CROWNER.

The Crowner shall arrest as well before as after the cry of the Justice Air, but on-fuch as shall be given to him in portuous by the Justice Clerk, and none other, 1. 1, p. 13. cap. 139.

That the Crowner receiving his portuous and traisfs, if there be any person terein that he dares not arrest, that he goto the Baron or Shirest, and his they resule be sovery for the persons dwelling within their respective bounds, that they af-st and fortise him for arresting the saids persons, under the pain of tempenness, they payed by them to the King, Ja. 3, p. 14, c. 99.

That the Crowner do not intromet with the goods of men convict, but by the Sheriffs warrand, under the pain of Reiff, and that the Sheriff give the crowner no more then his due, *Ibid.* cap. 102.

That the Crowner should have of the goods of persons convict, the dauntoned Hotse depute to work, and not to the Sadle, never shod, nor used to shoone, *Ibid.*

cap. 113.

That the Crowner arrefting persons at their dwelling places, and Paroch Rirks, take soverny of them, and arrest their goods untill the said soverny be found, or else Waird the persons, or deliver them to the Sheriff, [a. 5. p. 3. c. 5.

If the Crowner cannot apprehend personally, it is enough that he wairn the Person to be arrestled at his dwelling place, and make publick untimation at the Paroch Kirk next Sunday thereafter, which shall be an sufficient arrestment, the Crowner proving it by his own and one winess Oath, la. 5. p. 4. c. 34.

CRUVES and ZAIRES.

CRUVES and ZAIRES.

That all Cruves and Zaires set in fresh Waters where the Sea slows and ebbs, be destroyed, under the pain of an hundred shillings, and that they that have them in fresh waters, where the Sea slows not, keep the Saivadayes slop, and suffer them not to stand in forbidden time, under the said pain; and that ilk Heck of the saids Cruves be three inches wide, Ia. 1. p. 1. c. 11.

Ratified with this addition, that the mid-stream in fresh Waters be less free by the space of sex soor, under the pain of sive pounds, Ia. 3. p. 10. c. 74.

Again Ratified, but the mid-stream ordered to be less tree be the space of sive foot; that ilk Heck of Cruves be five inches wide, but three inches is slound by the Lords to be the just measure) And that shiress, Stewarts, &c. execuse the Ads anent Cruves, under the pain of swenty pounds, Ia. 4. p. 2. c. 15; and Ia. 5. p. 4. c. 17. And the halders of Cruves against the Laws to be punished as slayers of Red-sish, Salmond, and Smolts, sind.c. 17. See Salmond.

The Adt, Ia. 4. p. 2. c. 15. Ratified: And farther, that all Landed Gentlemen unter the Adts for purting down of Cruves to execution within their bounds, under the pain of an hundred pounds; and if they fail, that Sherists and Baillies do it, under the like pain, Q. M. p. 9. c. 68.

Ratified, and Sherists, Stewarts, Baillies, Lords of Regality, and Magistrats of Burghs next adjacent, are impowered to cast and hold down the saids Cruves, and to convocat the Leigessor that essed, Ja. 6. p. 6. c. 89.

A Commission of holding of Cruves, Lines, and Coupes within fresh Waters, providing they keep the Sarwadayes slop, and due wideness of the Hecks, Ia. 6. p. 7. 6. III. No mention here of keeping the mid-stream free.

CUNNINGAIRS and CUNNINGS.

Destroying of Cunningaires and Cunnings a point of dittay, Ia. 1. p. 2. cap. 33. and Ia. 2. p. 14. cap. 88. See Theift.

That no man take Cunnings out of anothers Cunningairs under the pain of dittay and theift, Ia. 3. p. 7. c. 61. Q. M. p. 6. c. 56.

Ratified, with augmentation of the pains pecunial, to tem, twenty, and fourty pounds, or corporal, of Prison, Stocks, and Death, for the first, second, and third fault. Ia. 6. p. 6. c. 84. See Theift.

CUINZIE. See Bullion and Money.

The Cuinzleour not observing the Standard of the Groat, tines life and goods,

CURATORS. See Minors, and Tutors.

That a Minor defiring Curators. come before his Judge ordinary, and take out an Edict to wairn two at leaft of the moth honest of the Minors Kin personally, or at their dwelling places, and all others having interest generally at the Moreat Cross of the Shire where the Minor hath his Lands or goods, upon nine dayes wairning, to hear the Curators desired given unto his perfect age of twenty one years complest, and Caution found de fideli: And Gurators being thus given, no other to be chosen, nor they to be removed, but by order of judgement, Q. M. par. 6.

Cap. 35.

That the nearest Agnats and Kinsimen of natural Fools, Idiots, and Fusious Perfons be served, received, and preferred, according to the disposition of the common Law, to their Tutory and Curatory, Ia. 6. p. 10. c. 18.

That Curators ought to make Inventary of the Minors estate and means, Car. 2. p. 2. See the Act in Tweeter.

CURSING, and CURSED PERSONS. See Excommunication.

That Caption be given against curfed Persons, and if they flee, that their goods be diffrenzied; and if they have no goods, that they be put to the Horn; And this to endure untill the next Farliament, Ia. 2. p. 6. c. 11.

That befide Letters of Caption that may be given after fourty dayes against Tersons curfed, Letters of Poynding and Apprissing be also direct against them for payment of the debt, or Letters of four forms for doing of the deed, the ground of the sentence of cursing. Ja. 5. p. 4. c. 9.

Addition to this Act in case of Appellations, (now in desured) ibid.

That Persons cursed lying in that state year and day, or receiving the Sacrament therein, unreconciled, time all their moveables as escheat to the Queen, with preterence to the Creditor at whose instance they are denounced cursed, Q. M. p. 4. cap. 7. See Excommunication.

CUSTOMES.

Great and fmall Customes . with the Burrow Maills, are to abide with the King

Great and imail Cultomes. With the Burrow Mailis, are to abide with the Ring to his livings, J. I. p. 1. C. S.

That of Nolt, Horfe and Sheep had out of the Realm be payed for Cultome twelve pennies per pound of the value; And of ilk thousand tresh Herriugs fold; a penny by the Seller: And of ilk Last of Herring taken by Scott-men, and barrelled, four firstlings, and if by Strangers, fix finitings; And of ilk thousand Redherting made in the Realm four pennies, 1s. 1, p. 1, c. 21.

Cultomes of Metrick and other skins had forth of the Realm, for the Metrick two field my per piece, for the hundred Cunning skins ruelve pennies, &c. shid.

Custome of ilk pounds worth of Woollen Cloath had out of the Realtn two shilings, of ilk pounds worth of Salmond bought and had out by Strangers, thirty punnies: And of ilk pounds worth of English Goods brought in, thirty pennies, Ja.

They that have out of the Realm Merchandice not paying the Custome, either Gold or Silver, to be banished without doom, but prejudice of other pains, Ja. 1.

c. 1 or. hat Cuftomers take no more Cuftome nor is due, under the pain of oppteffi-

That Cultomers race no most of the Cultoms, and that a Cultome Roll be Act Ratifying former Acts about the Cultoms, and that a Cultome Roll be lade, and the Sack of Wool to contain but twenty four flone, and the hundred skins

skins fix foore, and the dozen of Cloath twelve elns allanerly, Jam. 6. pat. 7.

skins at score, and the control of the same and seems an

be transported, time their moveables, and that they have id. c. 89.

Item, That they compear yearly in Exchequer, and make faith that they have one their duty truly; and if they be found guilty of suffering forbidden or uncommed goods to be transported, that they be deprived, and time their moveables.

fromed goods to be transported, that they be depived, and the land of the CustomeJa. 6. p. 13. C. 168.

That all Packs of English Cloath be brought whole unbroken up to the Customehoule, and that no English Goods be concealed, in defraud of the Customer, under
pain of confication if found, and of the avail if not found. Item. Customers
are impowered to fearch Buiris and Houfes, and conficat, and intromet with all
English Goods uncustomed, or English Cloaths unfealed; and if need beis, to make
Doors and other lock-fast Looms open, and that the resisters be punished as deforcers. Item, That Magistrats of Burghs give concurrence when required, la.

forcers. Item, That Magifirats of Burghs give concurrence when requires, 1s. 6, p. 12, c. 129.

The Affife Herring are a part of the Kings Cuftoms, 1s. 6, p. 15, c. 237.

That all Cloath and other Merchandife whatfoever brought from Fortaign parts, pay Cuftome at the arrival, at the rate of twelve pennies per pound of the value; and that therefore an A. B. C. be made of these Wates, and their prices; as also, of such Goods transported as are not in the A. B. C. thereof already made: But prejudice to Noble-men, Barous, and Free-holders, of their privilegge of sending their Goods outward, and bringing home Wines, Cloath, and other Furnishing for their own use, ibid. c. 231. See the Act 1s. 6, p. 12, cap. 152, in Bastgh.

That the forbidden goods after-mentioned, if licensed to be transported, pay Castome as follows: The stone of Wood five shillings, the dozen of ells of Linnen Cloath fow shillings, and each Boll of Victual five shillings, and each pounds worth of forbidden English Ware licensed to be imported, runsive penners, 3s. 6. cap. 254.

worth of forbidden Englis Ware licensed to be imported, russive pennies, ja. 6. p. 6. cap. 254.

That none import or export uncustomed goods, under pain of escheat of their Moveables, the uncustomed goods to be medled with by the Comptroller, the rest by the Thesaurer: And Licences not passed in Council, and through the whole Seals, and componed, are declared null, la. 6. p. 16. c. 15.

That each Web, Peece, or Steik of Cloath, Silk, or Stuff imported, be sealed by the Customers before it be presented to Mercat, under the pain of escheat thereof; And they are impowered to require and take the Oaths of Merchants anent what goods they had then uncustomed, and to Seal these with their other goods already Customed, la. 6. p. 16. c. 24.

That the Customers keep a Book, and take notice of all goods exported, or imported to and from England, to be sent twice a year to the Customers of England, upon the like performance from them, and they send returns for discharging of Boods mutually to one another. la. 6. par. 18. cap. 6. See the rest of the Act in England.

Bonds mutually to one another, Ia. 6. par. 18. cap. 6. See the relt of the Act in England.

Act discharging all Customs and Impositions not allowed by Acts of Parliament, as a discharging all Customs and Impositions not allowed by Acts of Parliament, as a single the late two and an all fore rent. and fowr pounds on the Tun of Wine, and all raising of Customs without consent of Parliament: As also, the taking of Merchants, Masters, or Mariners Oaths, in matters of Customs. Hom, That all goods imported, and again exported, paying inward Custome, be free of outward, as the use is in England. Item. Upon consent of the Burrows, a Commission ordered to be drawn to the Exchequer to establish the Books of Rates, as the price of Merchandice now rules, Car. 2, p. 1, Sess. 1. c. 57.

Act concerning the Customs and Excise, and how the not payers of the Customs may be proceeded against, and put to their Oath, norwithstanding any former Acts, Car. 2, p. 2, Sess. 1. See the Act in Excise.

Customs anginenied on Tarr and Iron imported, ibid, cap. 14.

Customs of Brandy imported, on the Barrel and for Mum-bear successing per Barrel, the Barrel notexceeding twelve Gallons, Gal. s. p. 2. Sess.

DAMAGE. See Expence-DEACON. See Craft. DEAN of GILLD. See Gild. DEERE. See Wilde Beafts. DEBITOR and CREDITOR.

Discharge of personal execution for sex years after Whitsunday, 1661. For all debts exceeding a then sand pounds contrasted before Whitsunday, 1658. In manner provided in the Act. But in case a Debitor have voluntarly renounced the benefit of any Act of this nature, made or to be made, the same is declared to be of force, and effectual. As also, that the Laws, as to all debts and payments, shall be observed inviolably hereafter, Car. 2 p. 1. Seff. 1. c. 62. The rest of this Act is in Comprissings and Wodgets.

DEBT PUBLICK.

Act discharging such as during the late troubles, gave Bonds for sums imployed for the use of the Publick, and their Airs and Executors, with the saids Bonds themselves, and all that hath followed, or may follow thereupon simpliciter, providing the persons claiming the benefit hereof take the Toff: That is, the principal Debitor for himself, and his Cautioners, or if he do not, each Cautioner for his own part: Dispensing with the Airs and Executors of the late Duke of Rether, Car. 2, p. 3, c. 26.

DECLARATION.

A& for figning the Declaration therein let down, by all in Publick Truft, st, or before their admilfion thereto, under the pain, that if they enter or exerce without doing the same, they shalt be punished as usurpers of his Majesties Authority, and their places disposed upon to others, Car. 2. p. 1. Sess. 2. c. 5.

The same again enjoyined, with the method how and when the same is to be signed by all in present Trust; and sich as resuse, when elected to be Magistrates, Clerks, or of the Council of Surghs, to sign this Declaration, do also farther amit their liberty as Burgesses, sind. Sess. 3. See Tof.

DECLINATOUR.

The Act Ia. 6. p. 14. c. 272. That no Lord of the Session sit or vote in the causer of their Father. Brother, and Son, extended to the like degrees in Affinity, to wir, Father-Brother, and Son in Law. As also, that they do not sit or vote where they are Uncle, or Nephew to either party. And this Act extended to the Lords of Council, Exchequer, and Justiciary, and all other ludges, who may be declined, when related in the degrees foresaid, Car. 2. p. 3. c. 13.

DECREET.

That on all Decreets given by the Lords of Seffion, or other Decreets whereunto their Authority is interponed, Letters as well of Horning as Foynding be direct, whether the Decreet be given for a liquid fum, or that the execution confift in faffio: And that no Sulpention be granted, except real offer be made, and refuled, and upon Confignation, confideration alwayes had of the dayes of the Charge, diffance of the Party, and quantity of the Sums, 12. 6, p. 8. c. 139.

DEFENCE of the REALM. See Hoft and Weapon-shawings.

DEFENDER.

The Defender not compearing should be Decreeted in costs and skaiths to the Tarty compearing, and fourly failings to the ludge, 12. 4. p.3. C. 30. Persons accused of Treason, or other Crimes, may freely defend themselves by Advocats, 12. 6. p. 11. C. 38. See Advocats.

DEFORCEMENT.

That the Lords proceed fummarly in actions of Deforcement, to put them to point without intermission, and the Persons convict of Deforcement, to be particled by escheat of Moveables, and in their persons, at the Kings will, and that beir Escheat be burdened with the payment of the debt, the Parties expences high taxed, and a sum to be modified by the Lords for their damage in the first

their Elcheat be burdened with the payment of the octa, the same in the first ly taxed, and a sum to be modified by the Lords for their damage in the first place, Ia. 6. p. 7. c. 118.

Deforcers of Officiars in executing their Office, may be called Civilly or friminally, and their lives and goods are in the Kings will, Ia. 6. p. 11. c. 84.

An Officer or Sheriff in that part, being Deforced, Molefied, Invaded, or pursued, to the effusion of blood, an the executing of any Summonds, or Decree by the person summoned or charged, or any other of their causing, the Desorter or Invader times all his Moveables, half so the King, half so the Parry, and the Execution is declared lawful, Ia. 6, p. 12. c. 130.

DEMEMBRATION.

Demembration by forethought Fellowy, punishable by death, Jam. 4, par. 3.

DENOUNCIATION. See Horning. DEPONING against DELINQUENTS.

Aft declaring it to be the duty of every Subject, without exception, to declar and depone upon Oath, when called by the Privy Council, or any other having authority from his Bisjerly, their knowledge of any Crime against the public. Laws and peace of the Kingdom, especially of Conventicles and other unlawful Meetings, and of the Persons present, and things done therein, or of the refering or intercommuning with Fugitives, and Rebelts; and that who refuse, or else, be punished by fining, imprisonment, or banishment to the Plantations in the Indies, or else where, as the Council faill think fir, provided that no mans deposition against another. Stall infer against himself, loss of life, or member, or banishment, Car. a. p. 2. Self. 2. cap. 2.

DEPREDATION, See Robberie, and Spuilzie.

DICE, See CARDES. DELAPIDATION.

That Ministers provided to Benefices under Prelacies, make no disposition of the Rents thereof, to the prejudice of their Successors, or Diminution of the Rental, under the pain of Deprivation, both from Office, and Benefice, and there Set, and Location, be decerned null, Ia. 6. p. 7. c. 101.

That all Persons provided to Bishopicks, and other Benefices, whatsoever at his Highness presentation, find Caution to the Clerk at the passing of their Signatures, to leave the same at their Decesse, or Dimission unhurs, or vitiat, and all Fews, Tacks, Pensions. changing of Victual into money, or other Disposition in the contrary, are declared null, Ia. 6. p. 10. c. 11.

Ratified, and that no Person provided to a Bishopick, dispone on give in pension, any part thereof, to indure longer then he shall bruick the said Bishopick, and if he shall dissember any part thereof, the same the sail bruick the said Bishopick, and on. Item, that no Bishopic it in Few, or Tack, or Dissone otherwayes of any part of their Benefice, without consent of their Chapters, or greatest part of them, but no necessity that the Chapter be Chapterlie convected for that effect. Item, that rentable made of their Bishopicks, to remain in their Integrity in all time coming, Ia. 6. p. 18. c. 3. See Bishop.

Ratified, declaring all Tacks of Susters of Testaments, or other Casalinies pentaining to Prelates, to be set in time coming to be null, and that they can only dispone, or set the same during their own life-times allanerly, Ia. 6. p. 22. cap. 5.

DISSOLUTION, See Annexarion.

Act of Diffolution, that His Majesty may fed all his Lands annexed, or not, is tw. ferm, fur that it be without Dimination of his Rental, and other dewies, the Diffolution is but for the Kings life, albeit the few let by vertue thereof

Item, the Difficiation is but for the Kings life, albeit the few let by vertue thereof frand perpetually, la. 4, p. 6, c. 90.

Act of Difficiation, Iam. 5, for that it be not in diminition, but in augmentation of the Rental. la. 5, p. 7, c. 116.

Act of Difficiation, Iam. 6, ln order to the fetting of Fews, Provyding they be not fet within the juft avail, which is declared to be the dewrie, to which the Lands are or may be retoured for the new execut. la. 6, p. 9, c. 6, James 1544. Reficial-dimension of the second of the second of the second of the lands are or may be retoured for the new execut. la. 6, p. 9, c. 6, James 1544. Reficial-dimension of the lands are or may be retoured for the new execut. la. 6, p. 9, c. 6, James 1544. Reficial-dimension of the lands of the lands

best the same with the informents thereon be Ratified in Parliament, in sjorities, In. 6. p 14. c. 203. her Act of Dissolution in order to certain Lands therein express, bearing inary conditions, and the Earldom of Rest, and Lordon of Ardmanich,

the Patrimony of the Kings Second Son, are also contained in this Diffolution in the Diffolution of all Annexations of fore-faulted Lands, where the fore-faulted

In 6, p. 11. c. 30. Jame 1587.

Diffolution of all Annexations of fore-faulted Lands, where the fore-faultures are reduced. Ibid. esp. 31.

General Diffolution of all Lands pertaining to the Crown, and un-annexed, to be fet in Few, with Augmentation of the Rental. and with preferrence of those that have already Few Infertments thereof. Providing they nenew the same betwist and iday prefixed. Excepting from this Act, the Kings Castles, Palaces, Yeards, Woods, Parks, Forrests, Pastures, and in special the Lowmonds of Falkland, Coal-heughs, and Offices, Jam. 6. p. 14. c. 204.

But the ground of demolished Castles, with the bounds, Meadower, and Loches, thereto belonging, a salfo his Mojestic's Coal-heughs are also dissolved, to be fet in few with augmentation of the Rental. In. 6. p. 16. c. 8.

Dissolution of the Lands and Earldown of Generies, especially of the Lordship of Mantingrown, and Lands of Stra-brand, to be set in them for augmentation, &c.

Declaring certain parts thereof to be dissolved, to be fet in them for augmentation, &c.

Dissolution of the Lowmonds, and Moors of Falk-land, to be fet in Few-ferm for Augmentation, &c.

Publication of the Lowmonds, and Moors of Falk-land, to be fet in Few-ferm for Augmentation, &c.

But excepting the Kings Castles, Palaces, Yeards, Woods, Forrests, Parks, Pastures, for Sheep and Nole, and in special the Lowmonds of Falk-land, Coal-heughs, and Offices, and the dissolution to indure us supra, Cal. 1.

P. 1. cap. 11.

DONATIONS PIOUS.

Gifts Legacies, or Donations for Piousules, may not be inverted from the specifick use destinated the Disponer, and the Persons intrusted are made comptable for the same, and ordinary profites thereof, to the Kirks, Colledges, and other to whom they are disponed, or to the Bishop of the Diocie, for their use, and this extended to all such Dispositions made since the Majority of King James the Sexth and that Letters be thereon directed, Car. 1. p. 1. c. 6.

DOOMES.

The forming of faling of Doomes, and the faller to offer a Borgh, affigne a alon, and protest for moe, Ia. 1, p. 9, c. 117.

The process of faling of Dooms now not in use, Ia. 4, p. 6. c. 95.

The words to be used in faling of Doomes changed, 184, 99.

DOWCATS, and DOWES.

Destroyers of Dowcars a part of Dittay, Jam. 1. par. 2. cap. 33. See it in Torift.

in a street.

That no man break, or take, or fiteal Dowes out of anothers Dowest, under the sin of Theift. Ism. 5. par. 7. cap. 67. Ism. 4. par. 6. cap. 69. Q. M. par. 6. pp. 18. Ratified with an Augmentation of the pains even to death, against chaseannor pay the Fines. Ism. 6. par. 6. cap. 84. and Ism. 69 part 190 cap. 3.

That Lords and Lairds make Dowests. Ave. 10.

ing, and Pelicer.

That no man have liberry to build a Dowest in Burgh, or in the Countrey, except he have Lands and Teinds to the value of Ten Chalder of Victnal yearly, within two miles of the faid Dowest, and he may only build one, and no more. n: 6: p: 22: C: 19.

DRUNKENNESS.

That Persons convict of Drunkenness, or haunting of Taverns, and Ale-houses, after ten of the clock at night, or any time of the day, except the time of travel, or for refreshment, pay for the sink fault Three pounds, or be put in Jogs, or Jayle Sex hours, for the second Five pounds, or be put in Jogs, or Jayle Twelve hours, and for the third Ten pounds, or Stocks, or Jayle Twentie four hours, and if they therefore transgress, to be put in Jayle till they find caution, and all shirress, Stewarts, Provests, Baillies, Justices of Peace, and Kirk Sessions, are impowered to execut this Act, and apply the pains, and pios & necessaries uses. Ja: 6:

powered to execut this Act, and apply the pains, and provided the prov

DUMFERMLING.

Confirmation of the Gift of the Abbacy and Lordhip of Dumfermling, Lands, Teinds, and Others thereof, lyand on the North-fide of the water of Forh, made by the King to the Queen for her life-time, at Vpfis in Norway, the 24. November, 1529. [at 6. p. 13. 6. 190.

Another Acconcerning the fame Gift, calling it the Kings Morning-gift to the Queen. but mentioning neither for her life-time, nor yet to her Airs. but confirming her Chartor and Selfin thereof, and compending to her fo much as wants of the faid Abbacy, Not. 2.p. 191.

Ratification of the Queens Infeitment of the Lordhip of Dumfermling to her, & the Airs of her bodie, by the King, which failzeing to the King, and his Airs, and Successors, Ja. 6, p. 21 cap. 10. See Queen.

EDINBURH.

Order for Bigging Leith wind in Edinburgh, and removing the Fleshers m the East-fide of it, Ia 5. par. 7. C. 102. That the Meal-Mercat of Edinburgh be removed off the High-gate, Ibid.

That the Meal-steeland Mercats oukely in Edinburgh, where all may fell Bread, biz. on the Moonday, Wednefday, and Fryday, Ibid. cap. 121.

As alfo three Fleth Mercats, on Sunday, Mounday, Thurfday, weeklie with the fame liberty. Ibid. cap. 122.

Ratification of all Donations, and Monifications, made by the King fince his Coronation, or by his Mother in her perfect age, to the Town of Edinburgh, for fuffentation of their Ministers, and entertaining their Hospitals, especially of Lands, Annual-rents, and Tennements within the same, founded so what solvest

Benefice, great or small, and Lands, or Annual-tents without the same, annexes to any Benefice, or Religious place within it, annexing the premisses to the Community of the said Burgh, and dislolving the general Annexation, and disloharging the Kings Revocation, in so far asthey may be prejudicial thereto, Ja. 6, p. 12

Partified, and all Gifts given by His Majefty of the premiffes to any others, fince he dait of the Gift of the same granted to the said Town; Revocked, & zescinded,

Ratified, and all Gifts given by His Majefty of the premifies to any others, nate the dair of the Gift of the fame granted to the faid Towns, Revocked, & rescinded, J., 6, p. 13, c. 185.

That none of whatfoever Estate, or degree, disobey, or contraveen the Charge of the Provest, and Baillies of Edinburgh, proceeding by immediat command of his Highness, by vertue of Letters of the Lords of Secret Council, or of the Lords of Deforcement, and not prejudging that of others, and authority is given to them, not prepared to the part of the June of Lords of Majer and all other Armours at all times when they shall think expedient. Item, if any Person in restituting the Saids Magistrats, or in the redding of Parties. (Provyding it be with long Weapons, and not by shuring Hagburs or the like) shall be hart, or slain, the laids Magistrats and the Community of the Burgh, and all their Assistant of Parties.

That no Person build in Edinburgh in time coming any Houses, except such as all the Hagburs, and the Lords of House share maked with thack or Straw, becoming ruinous, shall be repaired, and covered as aforeshid, and that Letters be direct for this effect; la. 6, p. 23, c. 26.

Act Ratifying the Act of Privy Council 17, of February, 1612. That no staces of Houses thereof, after the first of May, 1612 under the pain of Tinsel thereof,

EGYPTIANS, See Beggers.

Act Banishing all the Vagabonds commonlie called Egyptians, forth of the Kingdom for ever, after the first of Angust. 1609, and not to tetum, under the pain of Death, to be execut upon them, as notorious Theives, on tryal to be taken by an Assis. As the they are holden, and repute Egyptians, and that none reflecthem, and all warrands in the contrary are declared void. lam. 6. par. 20. cap. 13.

EJECTION, See Removing.

That the Defenders in Ejection, find caution for the violent profits, as in ca of removing, the first dyet of the Liniscontestation, or otherwayes decreet at given against them, Ia-6.p. 14-6.217.

ELL.

That the Ell contain Threstie feven Inches. Is. 1. p. 4. c. 41.

ENGADGEMENT.

A& approving the Engadgement in warr for the Kings releif , in the year 1645, Car. 2.p. 1. Sell. 1.4. 9.

ENGLAND, and ENGLISH, See Borders.

That no man buy English Clouth or gudes from English men in Scotland, or with-at, under the pain of elcheat, and that no English man bring any, except they be ecified in his conduct, or in payment of Banlome of English men, lam. 1. p. 14.

ip. 145.

That Salmond be neither fent to, nor fold in England, but to English men buyg them in Sectiond, for English gold. Ibid. cap. 146.

That no Cattel be fold to English men in England, but for ready Gold,
ad Silver, under pain of escheat, between the King, and the Wairden, Ia. 2.

That no Canel be fold to English men in England. but for ready Gold, and Silver, under pain of eicheat, betwize the King, and the Wairden, In. 2. p. 8. cap. 35.

That no man pass into England in time of War, without leave, under pain of Treason, In: 2: p. 12: cap: 50.

That no man pass into England in time of War, without conduct, may be made Prisoner, and that no man fix upon special Assumence of any English man, without leave of the King, or Warden, under the pain of Treason, and that none supplies Berrunke, or Rendergo under the same pain. Ibid. c. 51, and 52.

That no English man have Benefice in Seriland, In. 3, p. 1. c. 7.

That no English man have Benefice in Seriland, In. 3, p. 1. c. 7.

That no man lend, or sell Cattel, Victual, Fish, or Salt, to England, Iam. 5, p. 4. c. 20. This Act made, because of the Scarcity then in Seriland, Seris men assumed by English men, if warned to discharge the Assurance, get no reflictuoin of goods spullzied from them thereafter by Seris men, an affaired, Q. M. p. 5, cap. 13.

Seris men spullzied by both Seris and English in company, hes gude action of Restitution against the Seris men. Ibid. cap. 14.

An assured Seris man syding with the English Armie; may be persewed for all the skaith done to Seris men un-affaired. Ibid. cap. 14.

That Wool, Skin, Hides, or other strale gudes Customable, be not carried to England, under the pain of the eschest thereof, or of the value, and the transfered in the Kings licence under the great Seal, under the pain of death, and esche as formoveables, lam. 6, 11. c. 104.

That the Wardens put in Bill all English men occupying possessions in Seriland, against the Treaties, and seek redses thereof, and of the whole other gudes of the Importers, In: 56; p. 13; c. 252.

That all gudes possion by Land, 20, or from England, passion the wayes of Serimak, or Carloss all Landers, and seek redses from the Customers of Seriland, and England, as sefficirs, under spin of Consideration of the gudes, Jam. 6: par: 18.

All England, as efficirs, under spi

and a grand, and the Union of the two Realmen, marked Aft 2. of the Index of the not Imprinted Afts. Iam. 6. p. 1. 2.

That Ferfons committing any offence in England, declared by the Law of Sentland to be petric Treason, Murder, Man-langhter, Felonies, Burning of Houses, and Corn, Burglary, Robbing of Houses by day, Robbing. Theist, or Rape, and

and fleeing into Scotland, and there taken, may be remanded by the Judges or-dinsty after examination of the Fact, to be tryed, and punished, in England; Pro-viding alwayes, that in the fift Patliament held in England, after the date of this Act (Twenty thrid of Ollober, 1612.) the like Act be made in favours of Scot-land, Ja. 6, p. 21 cap. 2.

Land,]a. 6, p. 21 cap. 21 gudes imported from England, or of the grouth and Manufacture of England, imported from any other Place, as the taxes fet down particularly in the Ac, and of so, per cent of all others ommitted, and that the Customers give Oath and Band, with other first orders thereament, Car. 2, p. 1. Self. 3, c. 13. This Ack was made because of some restraints the English had laid on Sear. Commodities.

ERECTION. See Kirk-lands.

ERROUR, See Summonds of ERROUR, and Prescription.

ESCHEAT simple, and LIFE-RENT, See Creditor, and Horning.

That the Homing be execut before the escheat be disponed, otherwayes the gift nul, I and that no gift bear, (or when it shall happen the Offender to be denounced.)

is nul, I and that no gift beat, (or when it shall happen the Offender to be denounced.)

1a. 6. p. 1. cap. 23.

Letters of Horaring dulie Execut being presented to the Thesauter, Letters shall be raised at his instance direct to the Shires of the Shire, or Messengers, for uptaking of the Rebels escheat, and the party to be payed of his Debt, and expense out of the first and readiest. Item, if the Messenger be deforced, that Letters be direct be the Lords Deliverance, to the Shires, or others well assected to His Majesties service, to see the former Letters execut really, and with essex, and they are Priviledged, as these are that periew the Kings Rebels, lam. 6, p. 6. c. 75.

That all Intrometters with escheats simple or Life-rent, Donatry, Assigneyes, or Others, be holden to pay the debt in the Horning, whereon the escheat fell; And that Letters be summarly direct against them for that essex, Jam. 6. b. 12. cap. 143.

fell; And that Letters be funnarly direct against them for that effect, Jam. 6. p. 12. cap. 143.

The Thefaurer is bound to dispone escheats, to the behoove of the Parties offended, or otherwayes to responsal men upon good caution for his releif, of the debt, and if the Donator be found not responsal; the gift is declared null, Ibid. c. 142. And that the Creditor cannot be prejudged by any deed of the Rebel, or by any Gift, or Right of his eschear, given or taken to his behoove, see the same Act in Creditor, and in Rebel.

Gifts of Eschear, and Life-rent, granted to the Baims, or Conjunct Persons of these who being suspected of Papastry, have been excomunicar, and have retained possession of their Lands, and Gudes, are declared null. Notwithstanding of any Decreet following thereupon, and what ever might have been the cause of the falling of the saids escheats, [a. 6, p. 14, c. 197.

Life-rent Tacks of Lands and Teinds, fall not under simple escheat, but the Life-rent escheat only, and if the Tacks contain more Life-rents, the Rebels Life-rent escheat prejudges only the Rebel, but not his Aire, or Assigney after his decease, Ja. 6, p. 22, c. 15.

ESSOINZIE, or EXCUSE.

The Effoinzeour must shew his Power, and find Caution to prove; And that wo Effoinzies be admixed, but such as the Law allows: Ot if a poor man fall sick, two leill men his nighbours, or his Paroch Priest shall swear it, and it shall be admitted, Ia. 1. p. 9. c. 115.

EXCEPTION.

That Exceptions lawful be admitted, and frivolous, or fraudulent repelled; and that Pleys be not wrongoully prolonged, Ia. 1, p. 3. c. 55.

Who propones within Burgh an Exception proponed before, to the delay of the Party, whether Procurator or Party proporter; should pay runny shikings to the poor, Ia. 6, p. 6, c. 91.

EXCHANGE, Bills thereof.

That Fortaign Bills, or Letters of Exchange from, or to this Realm, in case of non-acceptance, or not payment, be Registrable, with the Protests against the Drawer or Accepter, within six moneths after the date of the Bill, or day of payment respective, that Execution on sex dayes may pass thereon as on Registrat Bonds; and that sums contained in the said Sills, in the cases foresaid, bear Annualrent after the said respective dayes, but after sex moneths they cannot be Registrat, but must be pursued by way of ordinary action: As also, reserving to pursue for exchange (if not in the Bill) re-exchange, damage, interest and expences as accords, Car. 2, p. 3, c. 20.

EXCHEQUER.

That all Sheriffs. Stewarts, Chamberlains, Customers, and others Intrometter's with the Kings Rents, compear at every Exchequer, and make their Accompts, and full payment of a fuelties, under the pain of impriforment, 1a. 5, p. 7, c. 56. Declared be fundry ordinances of Council, that the Kings Compositors should not deny his Constitution upon the reasonable expence of the Party, and upon his perill, Ja. 6. p. 5, c. 66. Sec Constraints.

That the Exchequer for the Kings Rents begin the first of July, and end the last of Jusquester to the failister; and be charged at all times to the end of the Exchequer, to compear, and in case of disobedience, be denounced; and this denounciation at the Mercat Crofs of Edinburgh, and Registration in the Thesaurers Books, or Sheriffs Books of Edinburgh, is declared to be as good as if made at the Crofs of the head Surgh of the Shire, and in the Sheriffs Books where the Person lives. That for matters betwixt party and party the Excheque stitute very Tuessay afternoon, during the Session, or at other times when the King pleases, la. 6, p. 11, c. 63. Ratified Car. 2, p. 1. Sess. 3, c. 14.

That no Precepter of Discharge of the Property be allowed in Exchequer, except in the subscribed and accepted by the Comptroller: And that acquittances be produced upon compt, and nothing allowed pericula computantia, either in the Comptrollers, la. 6, p. 11 c. 67. Of Thesaurers accompts, c. 77. That the Thesaurest except into subscribed and accepted by the Comptroller: And that acquittances be produced upon compt, and nothing allowed periculas computantia, either in the Comptrollers, la. 6, p. 11 c. 67. Of Thesaurers accompts, c. 77. That the Thesaurest except into subscribed and accepted by the Comptroller; And that acquittances be produced upon compt, and nothing allowed periculas computantia, either in the Comptrollers, la. 6, p. 11 c. 67. Of Thesaurest accompts, c. 77. That the Thesaurest except into subscribed and accepted by the Comptrollers and the subscribed and accepted by the Comptroll

of the property or of any other, may not be discussed and decided in Exchequer, but is only proper to the Lords of Session, Car. 2. p. 1, Sess. 1.6. 50.

Infestments, Gifts, and others past in Exchequer, the years 1649, and 1650.

Albeit the authority of these meetings be declared null, are appointed to stand valid, except new Gifts, and other Gifts to his Majestiles prejudice, and such as upon complaint to the now Exchequer. shall be found unjustly granted in prejudice of prior Gifts under his Majestiles hand, though not passed in Exchequer, Car. 2,

not compaint to the now Exchequet. shall be found unjustly granted in prejudice of prior Gifts under his Majesties hand, though not passed in Exchequet, Car. 2, p. 1. Sest. 1. c. 9.

The Gifts and proceedings of the Commissioners of Exchequer under the English Usurpers Ratisled, excepting new Gifts, Gifts of Eastardry, and astrimus haves, not of new pass in Exchequet; as also, Gifts and Constrmations past in prejudice of these who had former Rights from his Majesty, or his Royal Father: And generally, providing that all these gifts and proceedings may upon complaint be reviewed by his Majesties Exchequet, Car. 2. p. 1. Sest. 1. c. 12.

Ast regulating the proceedings and matters of Exchequet. Car. 2. p. 2. Sest. 2. c. 16. concerning the Exchequet.

EXCISE. See Annuity.

EXCISE. See Annuity.

Act imposing the Excise for raising his Majesties Annuity of fastity then fand Sterling, viz. eight then sand pound Sterling thereof by an Excise upon the Inland Salt, and Fortaign Commodities specified in the Act, and the other 3200, pounds Sterling by an Excise of two merks on the Boll of Malt, and three shi stings on the Pint of Aguatuse not made of Malt, brewed and sold in the Kingdom; which sum is proportioned upon the Shires and Burghs, and what shall be in-laiking in their Excise, to be supplied by the Heretors by way of Ces: And that the Commissioners in every Shire and Surgh up. life and be lyable for the said proportions, in manner as in the Act Car. 2, p. 1. Sess. 1. c. 14. But the proportions here set down are again restified, 1bid. Sess. 3. c. 25.

Act regulating the payment of the Excise, as to the Importer and Retailer, and containing several rules and provisions shereenent, specially that the Excise be payed according to the Book of Rates for the Customs: And if there be any Excisable Goods not there set down, that they pay at the rate of five per cent. That the Merchant not paying the Excise, he, and all accessory to his conceasing or abstractions, may be pursued upon Oath, or any other probation, providing it be within three moneths of the imbeazing, and the Delinquent convig., may be imprisoned for twenty four hours, and untill he pay the full value of the goods imbeazied, and shall be forther sinable by the Exchequer. As also, goods not decly entered, and seased, shall be consider, and their Owners imprisoned and fined as faid is. And the same Statute, as to the not paying of Customs, Car. 2 par. 2. Sess. Act declaring. that if three quarters payment of the Annuity of Excise in the

ly entered, and leated, mail be combined, and then consider an anneaus faid is. And the same Statute, as to the not paying of Customs, Car. z. par. 2. Seff. 1. cap. 12.

Act declaring, that if three quarters payment of the Annuity of Excise in the Shires of Rys. Suberland, Castomes, Argise; Innerness, and Burghs thereof, shall run in the fourth unpayed, then the Shire, Burgh, or Person deficient, to be syable in the double of the whole years Annuity, totics aparias, but prejudice of the oblidgment for single payment on the Commissioners of the side Shires, conform to the Act, Car. 2. p. 1. Seff. 1. c. 14. above Car. 2. p. 2. Seff. 1. c. 20.

All Salt made in this Kingdom exempted from Excise, and sowry soldings per Boll imposed on Forraign Salt, Car. 2. p. 2. Seff. 4. c. 1. See the Act in Salt.

Excise of Brandy six shikings per paint, to be payed by the Retailer, and the Excise of Mumm-beer thirty shikings per batted, the barrel not exceeding twelve gallons, and both appointed to be applyed for the relief of the Excise of Shires and Burghs, shid: cap. 2.

That the Quarterings for the Excise be regular according to the rules fer down for Quartering for the Cess in the Act Car. 2. p. 3. c. 3.

The Excise on Forraign Commodities, and of two merks on the Boll of Malt, and three shillings on every pint of Aquavire not made of Malt, brewed and sold within the Kingdom, established by Act, Car. 2. p. 1. Seff. 1. c. 14. above, continued for five years after his prefent Majestics decease. But then neither the Commissioners, Heretors, nor Land Rent of the Shires are to be lyable for it, but only the Brewers, Vintners, and Tapsters, Car. 2. p. 3. cap. 8.

EX COMMINION CATERON.

EXCOMMUNICATION. See Curfing.

EXCOMMUNICATION. See Cursing.

Persons Excommunicat, after 40. dayes may be charged by Letters of sour forms at the instance of the Party, the Kings Advocat, or the Procurator of the Kink to staisse the lentence, and reconcile themselves to the Kink; and if they failzie, are to be depounced, and Caption and other Executorials to pass against them, 1a. 6, p. 3, c. 53.

A person Excommunicat entering the Kink the time of the Ministration of the Sactaments, or Common Prayers, should be charged in God and the Kings name to remove, and if he refuse, the Minister after the Service may cause apprehend and waird him, until he find Caution at the Ministers and Elders sight, to reconcile himself to the Kink, and make amends for the offence: And if he deforce any in the execution of the premisses, that his moveables be escheat, and his person in the Kings will, Ia, 6, p. 11, c. 26.

That no persons Excommunicat sor not conforming to the Religion presently prosessed, directly nor indirectly, possess their Estates; but that the same be medled with to his Majesties use, Ia, 8, p. 20, c. 3.

That the Sishops give up to the Thesauret and Director of the Chancellary yearly a Roll subscribed with their hands, of all Excommunicat for Religion within them Diocess; and that the Thesauret receive no Resignations, nor grant Insessent, or the Director direct Brieves, nor Precepts, nor receive Retours in their favours, until their Relation be certified by the Bishop. And all Lords of Regality, and other Superiours may refuse to grant Brieves, or Precepts of Clare surfact, or Charters on Applishings to the said Persons, Ibid. cap. 4.

Ratification of all the Ads of Patliament or Council preceeding the year 1640-against Excommunicat Persons; and that the same being done at the Cross of Edinburgh, and Peer of Shoar of Leith, shall be sufficient for Caption and Eschest, providing that the Process of Excommunication be first exhibit to the Lords of Session, in Session time, to consider the same, Car. 2, p. 1. Sess. 1. c. 25. But this provis

EXECUTIONS; or INDORSATIONS. See Summonds.

Executions of the Kings Brieves or Letters should be sealed or stamped by the Officiar of Fee, or in that part, before witnesses, otherwise make no faith, la.3.p.

Officiar of Fee, or in that part, before witheries, otherwise make no faith, and the Executer to be deprived, la: 5: p: 6: c: 74.

That all Copies of Summonds, or Letters delivered to any party, be subscribed by the Officer Executer thereof, sa. 6, p. 12. c. 139.

That Executions at dwelling places where the Party cannot be personally apprehended, be made at the principal dwelling where the Party actually resides: And if the Officer getentry, that he shew his Letters, and leave a Copy, or affix it on the Gate; and if he get not entry after six knocks, that he affix a Copy on the Gate, and all before famous winefies, and the Execution to make mention of this order and if the Officer fail, that he be imprisoned, and punished at will, sa. 5. par. 6. c. 20. 75.

he can be apprehended, or otherwayes be delivered to the Party personally, if he can be apprehended, or otherwayes be delivered to his wife or servants, or affixon the Gate of his dwelling House, and thereafter open Proclamation to be made, and a Copy affixed on the Cross of the head Burgh of the Shire. It have be more then two in the Letters all called for one Crime, this order used to two of the Principals shall be sufficient as to the reft, Q. M. p. 6: 6: 33.

That all Executions and Wairnings in the Kings Causes against siles-men. High-land-men or Borderers in broken Countriers, who now parts the made at the Mercat Crosses of the head Burgh sof the next Shire in the Low-land, Ja: 6.

at the Mercat Croffes of the head Barghs of the next Shire in the Low-land, Ja: 6, p: 11: c: 66.

That all Criminal Letters. Lettets of Law-bottows, or others importing tinfell of Life or Goods, be execute upon all petfons contained therein, perfoundly, or at their dwelling places, and by open Troclamation at the Mercat Croffes of the head Burghs of the Shire where they dwell, betwixt eight and twelve in the Forenoon, in open time of day. before famous Witneffes specially designed, and that Copies containing the whole names be affixed on the Gates of the dwelling houses and Mercat Croffes, under the pain of 200. merks, 15td. cap. 85.

That Charges of Treason be execute by Heraulds and Pursevants in their Coats, or by Macers, as of before: Declaring all Executions under the pain of Treason otherwayes execute to be null, Ja: 6: p: 121 c: 125.

That all Executions of Summonds bear expressly the names of the Parties Pursures and Defenders, and that it hall not be sufficient to relate generally to the Summonds, else they shall not be sufficient to relate generally to the Summonds. Else they shall not be sufficient to relate generally to the Summonds, else they shall not be sufficient to relate generally to the Summonds.

That the Witnesses all Executions of Inhibitions and Interdictions, Hornings, or Arrestments, or for Interruption of Prescription in real Rights be designed in the body of the Execution, and also subscribing thereto, Car. 2. p. 3. c. 5. See the A& in Witnesses.

EXECUTORS. See Testament.

A fum fecured by the Act to the Life-renter upon Land, yet declared payable to her Executor, Q. M. p. 4. c. 10, at the end.

Executors Strangers nominat, are oblidged to make compt and payment to the Defunds Wife, 8 aims, and nearest of Kin, reserving only to them the third of the Defunds part after deduction of Debts, in which third, any Legacy left them, so be computed without prejudice to them of their Legacies, if they exceed the faid third, Ja. 6. p. 22. c. 14.

EXPENCES.

He that times the Action before the Lords of Council, mould pay the Winners expenses, at the Lords Modification, and fourty faillings to be disponed upon by the Chancellor, J. 3. p. 6 c. 50.

The Expenses of Fley to be insert in the Decreet Condemnator or Absolvitor,

The Expenses of Fley to be iniert in the Decreet Condemnator

Q. M. p. 7. C. 64.

Who tines the Fley within Burgh, payes the Parties Expenses, and ruselve pennies per pound to the Poore, Ja. 6: p: 6: C: 91. See it in Burgh.

That the tines of the Fley pay the others Expenses, at the Judges modification,

That the damage, interest, and expences of Pley made and sustained by the Parties, be admitted and liquidat by the Decreet, whether Absolvitor, or Condemnator, before all Judges, especially where the Witt, the ground of the Action, or the Summonds bears it, Ja. 6, p. 12. c. 142.



FACTOR. See Merchant.

That no Merchant imploy an Alien as Fastor beyond Seas, on the accompt Seas, Merchants, under such Pecuniary paines, as the Council of Trade shall imple, half to the King, half to the Informer and Pursuer, Car. 2. par. 1. Sell. 1. p. 44. Anent Shipping and Navigation.

FAIRS.

At Fairs the Sheriff should only have the best Ox, or Cow, or un-ridden Horse, falled and brought to sell: And of great Stalls, or covered Craims, he may take a distress, but he should deliver it again at the Court of the Fair, if the Person hath done no default. And that no distress be taken hereafter of Goods of little quantity or price, brought on mens heads or backs, Ja. 2, p. 13, c. 59.

That in Fairs, Farliament times, or General Councils, great Constables of Casses, sheriffs, or Baillies of Burghes, use no extort on, by taking from poor folks for Loads or Burdens, what they call their Fees, under the pain to be punished at the Kingswill, and deprived for a year, Ja. 3, p. 5, c. 34.

That no Fairs be holden on Holy Dayes, but on the morn after, ibid. c. 35.

FALKLAND WOOD.

Falkland Wood ordained to be cut and hained, as being found by an Affic to be old and failed, Q. M. p. 6. c. 48. The Lowmonds of Falkland. See Annexed Property.

FALSHOOD.

That false Nottars and Witnesses, or who induces them thereto, or uses false Instruments wittingly, be punished with all rigour, according to the disposition of the Common Law, Ia. 5. p. 6. c. 80.

This Ade extended to all manner of Evidents and Writings, and the Makers, Feinziers, Users, Seducers, Corrupters, and Falsers thereof, and the pain declared to be Proscription, Banishment, Dismembering of the Hand or Tongue, and other pains of the Cannon, or Civil Law, or Statutes of the Realm, Q. M. par. 5.

esp. 22.

That false Witnesses and their Inducers be punished, by piercing the Tongues, escheat of Moveables, and Infamy, and farther at the Judges discretion, Q. M.

p. 6. c. 47.

That makers or users of false Writs, or accessory to the making thereof, be punished with the pains of Falshood, and the Counterfeiter, Falshier, or Accessory, cannot by passing from the Writ quarrelled, free himself of the punishment, Jam. 6. p. 23. c. 22.

FEE.

The Sheriff-Fee appointed to be twelve pennies of the pennd. Is. 4. pa 3. cap. 30. See it in Sheriff, Coaliers, and Servants Fees. See Coaliers, and Juffices of

FEEDES, See Peace.

Deadly feede no just pretence, to excuse from not Communicating, Ia. 6. p. 16-17. See it in Communication.

FERRIERS.

That all Boat men, and Fettiers have Treene-bridges for receaving Horfe, un-er the pain of 40. [billing: each Boat. Ia. 1 p. 3. c. 59. That all Fettiers on either fide the Firth. make Bridges, and Ports, in their oats for easie suping of Horfe, under pain of Confication of their Boats, Iam. 3.

Boats for eathe inpung of Horie, under pair of the fraught appointed, to be pared at Kinghorn, Queens-ferrie, and Partineraig; And that Horie, or Seafts, payand fraught, make the Perfons, and Surdens free, Jam. 3. par. 7. cap. 62.

That Ferriers take no more fraught nor is flatt, under the pain of Five pounds Scotisto the King, and to Affith the Party, Ia. 3. p. 10. c. 75.
Ratified Jam. 3. par. 13. cap. 95, with an Augmentation of the pains.

Fraught appointed for Ferriers at Kinghorn, Queens-ferrie, and Dundle, and that they observe the same under the pain of death, Q. M. Par. 5. cap. 21.

The fraught at Kinghorn for Horse and Man appointed by King James 3. Anno 1474. was Sex pennies, and for the Man Two pennies, but is higher Anno 1551. for Horse and Man Twelve pennies, and for the Man Sex pennies. Q. M. p. 5. c. 21. See Wages.

FEW, and FEW-FERM, See Few cum Maritagio in Waird.

That the King, Prelates, Barrons, and Free-holders, may fet their Lands in tw, and the Lands wairding to the King, the King thall only have the Few-ewite, so that the set be made to a competent value. Jam. 2. par. 14.

cap. 71.

That all men Spiritual, or Temporal, may fet their Lands in few, without diminution of the Rental, and it shall be no ground of recognition. Ja. 4. par. 6.

diminution of the Rental, and it mail be no ground of recognition, 1.

The Act Jam. 2. explained, and declared not to extend to the Vaffals of any Earl, Barron, or Free-holder, holding their Lands waird of their faids Superioriors, for whom it is flature to to be leafom, to them, to fet their Lands in few, without the confent. or confirmation of their Superiors, and any Alienation otherwayes made, is declared null by way of action, or exception, Ia. 6. par. 18. c. 12. And this explanation, and flatur, extended to the King and Prince, and Vaffals holding waird of them, and all former Acts that may any wayes derogat to this Act, are referred. Call L. D. L. C. 16.

Many warts of tirely and to refer to the following two years haill and to-ther, amit and tine their Fewes, as if there were a clause Irruant in their rights.

That to prevent fire, no Hemp, Lint, Strae. Hay, Hedder, or Broom, be put near, or above the fire, in Houses within Town, and that the Officiars within Town make trial every Moneth, under the pain of 40. failings to the King,

within Town make trial every Moneth, under the pain of 40. [bittings to the Kings within Town make trial every Moneth, under the pain of 40. [bittings to the Kings Without a Lanterm, under the fame pain, [bid. cap. 72.]

That fellars of Hay, and Fodder come not to their Hay-houses without a Lanterm, under the fame pain, [bid. cap. 72.]

That Ledders, Sayes, and Cleiks of Iton, be appointed, and keept in Towns for fire, under the fame pain, [bid. c. 73.]

That after the fire hath hapned, the Magistrars inquire into the cause, and lift town neglect, then it a Servant he fall be punished in his Goods, and Perfon, if he have no goods, and Banished for three or seven years, if a Man, his Wife, or Baims, in his own House, or if of a Mailler, both shall repair the skaith of others, and be banished three years; if of a Stranger he shall repair the skaith of others, and the Kings will, if the fire happen throw chance it is un-punished, if the Magistrats negled the Execution of this Act, that they pay Ten pounds to the King, that fire be not fetched from house to house, but in a covered vessel, and if fire happen in Towns of Barrony, that their Lords punish it as above, Ibid. cap. 75.

Jibid, cap. 75.

That Burning of folk in their Houses, and all Burning of Houses, and Corns, and wilful fire raising be treason, and less Majestie, Ja. 5, p. 3, c. 3.

That fire Raisers be put under soverty to the Law, as in the crimes of Slaughter, and mutilation, and that there be no remission given to them that burns Corns, and facks, or Barns, but that they be punished to the death, or else Banished, I am. 5, p. 7, c. 118. Bur it is again status, that Burning of folk in their Houses, Burning of Houses, and Corns, and wilful fire raising, be treason, and less Majesty, Jam. 6, par. 1, cap. 31.

6. par. 1. cap. 33.
Wilful fireing of Coal-heughs is also Treason, Jam 6. par. 12. cap. 146.

FISH, and FISHING.

That for Fishing certain Lords Spiritual, and Temporal, and Burrowes, make Ships, Bushes, and Boats, with Nets; and Other pertinents, Jam. 3. par. 6.

That Ships, and Buthes, with all their pertinents for fifthing, be made in each Burgh, in number according to the substance of the Burgh, and the least of them to be of Twenty Tun, and that all Idle-men be compelled by the Shirreffs in the Countrey, and by Baillies in Burghs, to pass there is not their wages under the pain of Banishment out of their bounds, and that the Shirreff or Officiar in Burgh negligent, pay Twenty pounds to the King, Jam. 4, par. 4, cap. 49. Ratified,

gent . pay Twenty pounds to the King , James and State of the lent out of the The times of Mercat appointed for Fifth, and that no white Fifth be fent out of the Realme, but that Strangers may come and buy them. Item, where any Person hath Fifth, packed or peiled, that they be readie to sell the same, for the Service of the Leiges, under the pain of Confication of the Fifth, Jam. 5. par. 7.

cap. 98.
That Barrels of Fifth be burnt and merked, Ibid. cap. 109.
That the Herring and white Fifth Barrel, contain nine Gallons, of the Sterling pynt, Ja. 6, p. 4, c. 57. See it in Salmond.

That all Fishers of Herring, or white Fish, upon the coast or within the lifes, or Firths bring the same to free ports, that the Lieges may be first served, and the rest bought, salted, and transposed by free-men, under the pain of Tinsel of the Vessels, and haill other Moveables of the Contraveners. Ibid. cap.

Ratified, and all Judges ordinary Impowered for executing thereof within their bounds, Jam. 6. p. 6. cap. \$6.

That there be a just flandart for herring, or white fish, keept at Edinburgh, and staples are appoynted for the faid Herring, and white Fish, and that no Fishers fell their Herring to Strangers, or Un-freemen, or transport them to other Countries, under pain of Eichear of their Moveables, Jam. 6. p. 8. cap. 141.

But the staple of Herring and white Fish slain on either side of Forth, appointed to Leith, and Carrail by the said Act is discharged, and full Liberty, allowed to the whole free-Burrowes on either side of the said Water, Jam. 6. par. 10. cap. 14.

That Caution be taken of Ships going to the North-fifting, to return the third part of their loadning of Herring, or white Fift within the Firth or other free-Burrowes, under the pain of an Hundred pounds, Jam. 6. par. 11.

cap. 57.

Act for Fishing, and erecting of Companies for inproving the Fishing of Hetring, and white Fish. fetting down their Rules, and Priviledges, as in the Act, and that each Barrel of green Fish contain Twelve Gallons, Car. 2. par. 1, Self. 1.

FLESH.

That none carrie Flesh forth of the Realm, under pain of escheat of the whole moveables of both Owner, and Skipper, Q. M. p. 6. cap. 40.

That for preventing this transport, that Ships be Victualed at the fight of the Magnitrats, and Customers of the Burghs and free Ports, where they lye, and if any more be found, that it be Conficat, 1a. 6, p. 5, c. 67.

But Barrelled Flesh may be exported by Sea free of Custom, Bullion, or other Impositions, for Ninteen years, Ca. 2, par. 1. Sess. 3, cap. 12, Anne 1662.

FOOT-BALL, and GOLF.

That no man play at the Foot-bill, under the pain of Fifty fbillings to the Lord of the Land. or to the Shireff in his neglect, Jam. 1. p. 1. c. 17.

The Foot-bal, and golf difcharged, and that they are not to be used in time coming, Jam. 2. p. 14. cap. 64. Jam. 3. p. 6. c. 45, and Jam. 4. p. 3. cap. 32. And this last Act appoints men to use shutting, and archery, in place thereof, See it in Weapon-bawing.

FORBIDDEN GOODS to be Exported. or Imported.

oods forbidden to be transported, Linnen Cloath, Lint-seed, made Candle, Fallow, eating Butter, Barked Hides, or made Shoes, under the pain of teat of the buyers, and transporters whole Moveables, Jam. 6. par. 4.
59. See Bestial, Cattell, Coals, Flesh, Horse, Tallow, Wool, &c. in

eir own places. Act Ratifying all Acts made against the transporting of forbidden goods, Ja. 6.

p. 9. c. 9.

Calf Skins, Hudderous, and Kids Skins, forbidden to be transported, packed, and peiled, under the pain of Confiscation thereof, to the King, Jam. 6. p. 12.

cap. 155.

Ratified and extended to Schurling Skins, under the fame pain, and the Transporters to be farther pnnished in their Persons, and Goods, at the Kings will,

ponters to be farther pnnimed in their school.

12: 6: p: 13: 6: 178.

Ratified, and farther, that none export Calf, Kid, Hudderon, or Schurling Skins, or any Goat, Hart, Buck, Deere, or other wild Beafts Skins, under the pain of Confifcation, referving to the Exchequer to grant licences, Car: 2: p. 1.

Self: 1: 6: 45.

That none export, or import forbidden goods, under the pain of efficient, the

Sell: 1: c: 45.

That none export, or import forbidden goods, under the pain of escheat, the forbidden goods to be intrometted with by the Comptroller, the rest by the Thesaurer, and that all Licences not granted by the Council, and componed, and past all the Seals be null, la: 6: p: 16: c: 15.

That none, Stranger, or other, transport forth of the Countrey, Butter, Tallow, or other forbidden goods, under the pain of Consiscation of the Ship, and whole goods the Owner of the forbidden goods hath therein, Jam. 6. par. 23.

That none export, Worsted, Woolen-Yairi, Raw or unwalked Cloaths, or Stuffes, made in Scotland, (plaiding excepted) broken Copper, Brass, or Fewder, under the pain of Confication, half to the King, half to the Apprehender, or Persewer, Car: 2: p: 1: Seff: 1: cap: 46.

FORBIDDEN to be imported.

Made-work by Tradimen, Car. 2. par. 1. Seff. 1. cap. 47. See it in Made-

That no Aquarité, fitrong Water, Mutn-beir, or other Drinking-beir, (black Spruce-beirescepted) Be imported, under pain of escheat thereof, Car. 2or Spruce-beir excepted) Be imported, under pain or eieneat thereof, Car. 2. p. 2. Seff. 3. c. 7.

But Brandie, and Mum, or Brimer-beir, Licenfed to be imported, Car. 2. p. 2.

Seff. 4. Cap. 2. See Brandie, and Mum-beir.

Great prohibition of Import, Car. 2. par. 3. c. 12. See the Act in Trade, fee

FORE-STALLER, and REGRA-TOUR.

That Fore-stallers buying Victual. Flesh. and other stuff, before it be pre-nted to the Mercar, or in the Mercar before lawful time of day, be punished by aprisonment, and escheating of the goods bought or asled, two thirds to the ing, the third to the Discoverer, Jam. 5. par. 4. cap. 21, and Jam. 5. par. 7.

cap. 98.

That Magistrats of Burghs, and none other, punish Fore-stallers within the fame. Jam: 5: par: 7: c: 113, And all these Ass Ratified, and the saids Magistrats constitut his Highness Justices for the effect foresaid, Jam. 6. par. 6.

Magifirats conflitut his Highness Junices for the Constitution of Mercat, by Land, or Water, or makes any bargain about it before it be in the Mercat place, Burgh, Fort, or Road readie to be fold, or who makes any motion by word, or wir, for raifing of prices, or diswading the bringing of any thing to the Mercat, he is a Fore-staller: And who gets any Corn, Flesh, Fish, or other Vivers, in any Fair or Mercat, and sell it again in any Fair, or Mercat in the same place or four miles about it, or who buyes, or bargains for growing Corns, he is a Regrator, and the Thesaurer, Kings Advocat, als well as the Magistrats of Burrowes, may persew such, and that without a special lybell, but only upon Fore-stalling in general, and

the pains for the first fault 40, pounds, for the second an Hundred morks, and for the third Tiniel of Moveables, la. 6, p. 12. c. 148.

FORE-THOUGHT Fellonie.

That all Judges, and Officiars, whom it effeits, upon complaint inquire diligently, if the deed was done on fore-thought fellonie, or throw Chaud mella: And if on fore-thought fellonie, that the Party hurt be Affythed, and the life and gudes of the Trefasfor in the Kings will, and that the Trefasfor be incontinent Imprisoned, but if the deed was done throw Chaud-mella, It is to be followed after the course of the old Laws, Ia, 1. p. 3. c. 51.

If any man bargain, (that is quartels) either in Burgh, or Land, that whether plaint be made or not, both Parties be arrested, and the same, or next lawful day, Inquisition be made by an Affise, whether it be fore-thought fellonie, or suddenlie done; And if suddenlie done; that they be demained as the Law teats of before, and if it be fore-thought fellonie, the Farty to be Imprisoned, and a mends made, and the Party punished as law will, Ia. 1. p. 6. c. 96.

If such Bargain in Burgh sall be called fore-thought fellonie, and the Farty escape unarrested, the Shitress. or Lord of Regality, where he is reset, when certified, shall persew, and send him back to abide the Law. In 3. p. 5. c. 36. See Girth and Slaughter.

FORE FAULTURE.

Sentence of Fore-faulture of the Earldom of March, and Lordhip of Dumbar, and of all other Lands, which the Earl of March held of the King in chief, lam. 1.

and of all other Lands, which the Earl of March held of the King in Chief, lam. 1, p. 12. C. 135.

All Allenations by Persons Fore-faulted, or to be Fore-faulted, for the murder of the Kings Father, and of his Regents, made since the committing of the Crimes are declared null, lam. 6. par. 2. cap. 36. Extended against Burgesses making defection from the King, and Affishing declared Traitors, 1bid. cap. 30.

gesses making desection from the King, and Assisting declared Trainors, Ibid. cap. 39.

That all faithful subjects bruick and joyse their Tennendries, to be holden of their next Superiors, notwithstanding of any Fore-faulture of their immediat Superiors in this Parliament, Providing they doe not thereafter make defection from the Kings authority, Ja. 6. p. 2. c. 39.

Act Ratifying the former Act, Ia. 6. p. 2. c. 37.

And declaring it to have been valide from the beginning. Ia. 6. p. 5. c. 65.

That no Process of Fore-faulture for Treason against the King, or his Estate be reduced for any pretendir nullitie of Froces, while first the Crime be freely remitted, orthe Party tried, and acquit: And that no Advocar, Weitert, or Other travel, solisif, or advice, in the contrary without warrand of King and Parliament, underthe pain to be repute parrakers with the saids Traitors. Item, that the King reftore against Fore-faultures, only by way of Grace, lam: 6: par: 8: eap: 135.

travel, soliss, or advice, in the contrary without warrand of King and Parliment, under the pain to be repute paraskers with the saids Traitors. Item, that the King restore against Fore-faultures, only by way of Grace, lam: 6: pair steep: 135.

That by Fore-faulture of Persons convict of Treason, the King hash right to all Lands holden of himself! As allo to present herestable Tennents in their place, to their other Over-Lords, and likewayes to all Tasks, and Possessing, the said of the said o

FORFAR BURGH.

A& changing the Mercat day of Forfar from Sunday to Friday weekly, la. 6.2-13. cap. 192-

FORNICATION.

Fornicators, as well the man assoman, to pay for the first fault fourty pounds, for the second an hundred merki, for the third an hundred pounds; and so forth alwayes an hundred pounds, or else to be guaished corporally, as in the Act, and the saids Fines to be applied ad pios n/m within the bounds, as the King shall order, la. 6, p. 1, 20, 12.

Fornication made finable by the Justices of Peace in four hundred pounds the Nobleman, two bundred pounds the Baron, an hundred pounds the Gentleman and Burgels, and ten pounds every infection: Person; and that the pains be doubled totics quarters, and I vied of the woman as well as the man, and applyed as in the A&, Car: 2: pt 1: Sell: 1: C: 38. Secitin Justices of Peace.

FORRESTS.

That all pretending tight by Infefrment, or Tack of keeping the Kings Forrells produce the same; and that no such keeper infer any manner of Goods to be Pa

nsed therein, under the pain of tinfel of their Offices, and efchear of their Move-bles: If others be found pafturing therein, that they be imprisoned, and the goods found eichest, two part so the King, and a third to the Keeper. Item that the negligent Keeper tine his Office, and that Landed men, or their Keepers hay escheat all Goods found within their hained Woods or Fornests, larm. 5. par. 4.

may eichest an Goods found within their hained Woods or Forrests, lam. 5, par. 4-cap. 13.

All Goods found Pasturing in the Kings Fasks or Forrests without the Comptrollers licence, may be by him escheated to the King, Ja. 6, p. 12-c. 128.

And the Keepers may intromet therewith, halt to the King, half so himself, who cuts any Timber within the Kings Woods, or Forests, or slayes Deere, or Wilde, Fowl therein, with Gun, Bow, Dog, Haulk, or other Engine. or shoots with any Gun therein, or in the night. within a mile thereof, or slayes any Deere straying in time of storm, time all their Goods as escheat. Item, That mone Hunt or Haulk within six males of the Kings Woods, Parks, Castles, and Pallaces, under the pain of an bundred pounds, half to the King, half to the Delator, Ia. 6. p. 14. c. 210.

That the Keepers of Forrests, and Others having right thereto by their Insesting of the laid Statutes, and to try them by an Inquest, and execute the said Acts againg them, to wir, the slayers and shooters at Deere, Rae, and Wilds Fowl, being Landed men, under the pain of five bundred merky, and being un-landed, an hundred merky, Sc. conform to the former Acts, Ia. 6. p. 22-c, 18. But this pain of 500. merky said to be formerly statute against Landed men does not appear.

FRANCE.

That the old Alliance with France be renewed and confirmed, and reformation fought of abuses, conform thereto, Ia. 4, p. 3, c. 23.

French-men naturalized in Scotland, as Scots-men are in France, and the French
Letter of naturality for the Scots is infert and recorded in the A&,Q. M.p. 8: c:66.

FREE-HOLDER.

That all Free-holders dwelling in the Shire, compear at the three Head Courts, with their Seals, or fend a fufficient Attourney therewith; And so upon Courts set on fitteen dayes waitning, and if the Court be not sufficiently furnished in the triall, the Sheriff may charge the Geatles of the Regality, and the pain of non-compearance, an un-law of Court, la. 1, p. 9, 6, 130.

That all Free-holders give suit and presence at the three Head Courts, if they owe the same, or send suits suits sit they owe but Suit, Ja. 5, p. 6, c. 71.

The Ads anent Free-holders, or small Barons sending their Commissioners to the Parliament, or Convention. See in Parliament.

FUGITIVE. See Horning, and Rebell.

That all Fugitives from the King, or any of his Lieutennents, be punished as ablick and notour Rebells, Ja: 1: p: 8. c: 111.

FURIOUS.

That their nearest Agnet or Kinsman be served and preferred to be their Tutors, or Curators, according to the Common Law, Ja. 6. p. 10. c. 18. See Curator, or Motry.

ALLEYS.

That Barons and Lords having Lands in the West and North, on the Sea Coast, and not Infest with this burden, have Galleys, each four merk Land an Oar: And that the Lands within six miles, contribute to the suffernation of the said Galleys, Ja: 1: p: 9: c: 126.

GARRISONS.

Order for Garrisons in the Border, and that the Sheriffs Tax and return mens A-vails for bearing the charge. Ja. 2. p. 12. c. 55.

The power of commanding, ordering, or otherwayes disposing of all Strengths, Forts, and Garrisons, doth properly belong to the King and his Successors, as their undoubted right; the Subjects being alwayes free of their provision, unless concluded in Parliament, Car. 2. p. 1. Sest. 1. c. 5. See the Act in King.

DEAN of GILD.

Confirmation of the Dean of Gild and his Council their jurildiction, in all Actins concerning Merchants, and as it is used in Edinburgh, and that according to the
normaled in Paris, Rewan, and other Towns of France and Flanders, Ja. 6. p. 13.

GIRTH, or SANCTUARY.

That where the Committer of flaughter on fore-thought Fellony flees to Girth or Sanctuary, the Sheriff require him on Gaution, and take triall by an Inquest if the Crime was committed by him on fore-thought Fellony, Tanquam Infiditary to per industriam: And if so, then the Committer to be punished; And if not, then he be restored to the Girth, la. 3. p. 5. c. 36. Ratisfied, la. 3. p. 6. c. 43.

That all Masters of Girth make Deputes under them, dwelling at, or near the Girths, who may be charged to deliver all Committers of slaughter on fore-thought Fellony, and other Trespassours, who break Girth, and may not bruik its priviledge: And if these Baillies being charged, refuse to deliver, that they be rigorously punished in their Bodies and Goods, la; 5: p: 4: c: 23. This Act made because the Masters of Girth, Spiritual men, were said to refuse to deliver Trespassors.

GLEIB. See Manses.

The Quantity, Designation, and Priviledges, and other things relating to Gleibs, all set down under Manses, because of their Contingency.

That Ministers and Readers pay no Teinds for their Gleibs, Ja. 6. p. 5. cap. 62.
Or for their Sums Grass appointed in stead thereof, Iam. 6. par, 23. cap. 10. but fee Manses.

GOLD and SILVER. See Money.

GOLD-SMITH. See Craft and herein GOLD and SILVER WORK.

That Gold Work made be Eleven Grains fine, and that it be marked by the Maker and Deacon; And if there be but one Gold-fmith in a Town, by him and the Magistrat: And if either the Work be not of that finencis, or not marked in

the first case, both the Maker and Deacon, and in the second, the Maker hall tine his Goods to the King, and his Life be in the Kings will, 1a. 2. p. 14. c. 65. Item. That Gold smiths work be marked by the Maker. Deacon, and Towns Mark, of the sinces of eleven penny sine, otherwise the Work to be broken, and the Maker in the Kings will: And that Gold-smiths be admitted by the whole Craft, and their Officiar, la: 3: pr 13: c. 96.

Item. That their Work be marked by the Maker, and Deacon; and that Silver Work be of the sineness of the new Work of Brages: and Gold Work as sine as the Matter of the first melting down by the owner la. 4, p. 2, c. 13.

That no Gold-smith make Work of Silver under 11. penny sine, and of Gold under twenty two Carrat sine, under the pain of death, and escheat of moveables, and that all Work be marked by the Makers, and the Towns mark, Q. M. p. 6. c. 56.

GOLF See Foot-Ball. GOVERNMENT.

If any person by Writing, Printing, or any malicious and advised speaking, expects or declare words to stir up people to the hatted or dullike of the Kings Supremacy, or of Episcopal Government, as now established, or to justifie any of these things declared against in this ASt, that he be uncapable of all Fublick Trust, and lyable to the pains of Law, providing he be processed by the King or Councils order, and no other wayes, within eight moneths after the offence, and sentenced within sour moneths after Process, Car. 2. p. 1. Sess. 2. c. 2.

Ratification of all ASts for securing the Government of the Church as now established. Car. 2. p. 3. C. 4.

EARL of GOWRY. See Forfaultour. CLANN-GREIGOUR.

A strict A& against the Clann-Greigeur, Ratifying all former Acts of Council against them, impressing the name, and oblidging them after 16, years of age to make compearance yearly the 24. of July before the Council, to find Caution, or otherwayes if they be denounced for their failise, declaring them to be be Intercommuned, and that none refet or affish them: And the A& constitutes several Justices in that part against them, Car. 1. p. 1. c. 30.

GUERRA. See Courts.

GUNS.

That Landed men and Others provide Guns: For each hundred pound Land of new extent, an Hagbur: For each hundred merk Land, two Culverings: And for each fourty pound Land one Culvering, with all their pertunents, as in the Act, laspe, e.g., e.g.,

TAGBUTS See Guns..

HAINING. See Forests and Planting.

HAULKING. See Hunting.

HAULKS and HOUNDS.

That no man take or fteal another mans Hanlks or Hounds, mad or wilde, not Eggs out of Haulks nefts, under the pain of ten pounds, la. 3. p. 7 c. 60. And this pain of ten pounds hightened to an hundred pounds, half to the King, half to the Dilater, la. 6. p. 23. c. 32.

HARES. See Hunting, and Wilde Beafts.

To flay Hares in Snow time is a point of Dittay, Ia. 2. p. 14. c. 88. Ia. 3. p. 7. c. 61. And Ia. 5. p. 4. c. 13.

That no man shoot at Hares with Gun or Bow, Ia. 6. p. 1. c. 16. See this and other Acts in Wilde Beafts.

HEDGES. See Planting.

That no man make Hedges, dry Staiks, Rice, or hewen Wood, but only of lyand Wood, la. 2, p. 14: c: 83.

HERAULD. See Lyon, and Meffenger.

That Hereticks be punified secording to the Law of Holy Kirk, and that the Se-tular power affift, Ia. 1: p: 2: c: 28.

HERRING. See Fish and Fishing.

That none buy. Pack. Peill, Salt, Barrell, or Transport Herring forth of the Realm before Michaelmass yearly, under pain of Confidential of the Herring,

E 2

Ship,

Ship, and all other Goods of the contraveeners, two part to the King, and third to the Apprehender: And that all Licences in the contrary be granted in Connell, and paft all the Seals, otherwayes are null, la. 6. p. 16. c. 10.

HIGH-LANDS, and BORDERS.

That the Council meet peremptorly the first day of every moneth, for repressing the disorders of the High-lands and Borders, and that a particular Register be kept of all things concerning their good rule, la. 6, p. 11. C; 92.

Ast appointing Land-lords and Baillies of Lands in the Borders and High-lands, where broken men contained in the Roll at the end of this Parliament, have dwelt, and dwell, to find Caution, and be otherwayes lyable for the dwellers on the saids Lands, and for Thieves passing through the same, in manner contained in the Act, thid. c. 93. But if the Land-lord or Baillie do diligence to temove these Indwellers, and make them the Kings Rebels, and do all he could do, it shall relieve him of the pain and danger, thid. c. 107. And if they shall be constrained to burn any Malefactors House, or to hold them and their Wives and Baims of the ground, for their not relieving them, they shall be associated therefore, thid. c. 108.

That the Captains. Chiefs, or Chistains of all Clanns, and their Branches widhin the said bounds, and notred in Roll as said is, signey pledges to be kept and changed, and also be otherwayes lyable as in the Act; And that such as refuse to give Fledge's, be pursued with Fire and Sword, as enemies to God and the King, and the saids Pledges may be executed to death, in case reduces be not made by the Persons for whom they 1y, 1a. 6. p. 11. c. 94. And the Iledges for the Highlands to be placed on the South side, and for the Borders on the North side of the Water of Forth, thid. c. 106.

That all notorious Thieves born within the saids bounds be removed out of the Include where they dwell, to the parts where they may be pare.

Water of Forth, ibid. c. 106.

That all notorious Thieves born within the faids bounds be removed out of the In-land where they dwell, to the parts where they were born, unlefs their Landslords will become furety for them, ibid. c. 95.

That a Register be made of the faid Pledges, and other Persons for whom they lay, and who should relieve them; As also, of all the Land-lords, Baillies, Indwellers and Clanns within the faids bounds, ibid. c. 96.

That all Vagabonds within the faids bounds impledged, or answered for, be charged to find soverty, and in case of failzie be denounced, and them, their refetters, or the Magistrats of the bounds where they are wittingly refer with Goods stollen or reft, to be lyable to satisfie the Party, ibid. c. 97.

That all Bands and Ads made for, or anent broken men, oblidges Airs, abeit not therein mentioned, ibid. c. 98.

That all Bands and Acts made for, or anent broken men, oblidges Airs, albeit not therein mentioned, ibid. c. 98.

That foverties made by Land-lords and Baillies, and by Chiftains of Clanns, are not prejudicial hinc inde, ibid. c. 99.

That Land-lords, Baillies, and Chiftains of notable Limmers, prefent such of them as the King shall require by close Valentines, otherwise they are to be punished for their contempt, ibid. 103.

Act Ratifying all former Acts against the disorders of the High-lands and Borders, ordaining Catalogues to be made, Caution to be found, Masters and Land-lords to be lyable to produce their men; and constituting all Judges, and Free-holders, Justices in that part, to apprehend, and cause execute to the death all Thieves and Somers of the saids bounds, in manner set down in the Act, Ja. 6. par. 14. c. 227.

Thieves and Somers of the faids bounds, in manner set down in the Act, js. 6, ps. 14.6.227.

That all Land-lords. Heretors, and Leaders of Clanns in the High-lands and Ifles, compear betwixt and the 15. day of May, 1598. before the Exchequer, and produce the Rights and Titles, and find Caution for payment to his Majefty of his Rents, and that they and their men, Tennents, Servants, and Dependers, shall be answerable to his Highness Laws, and Justices; and that they shall not injure any of his Highness Leiges, travelling in their bounds, and shall redress all Parties skaithed by them, otherwayes if they fail to compear, &c. that they forefeit and amit all their pretended Rights, and the famine to be null, is. 6, p. 15. cap. 262. Ratified as to the payment of his Majesties Rents, Car. 2. p. 1. Sell. 3. c. 15.

That there Burghs be bigged in the Highlands, and Islas, one in Kintyre, another in Lochaber, and the third in the Lewes, to which his Majesty grants all the Priviledges granted to any other Burghs, and its declared leasom for him to give them the ground, and dispone to them Lands, and Fishings, for their Common guide, to be holden Burgage; is. 6, p. 15, c. 263.

HIVES, and BEES.

That no man steal Bee-hives, under the pain of Ten pounds, and amends to the Farty, and that it be a point of Dittay, lam. 4. par. 6. cap. 69. See it in Thieft, and the Acts there cited.

HOLY DAY, See Sabbath. HOMICIDE, See Slaughter.

That casual Homicide in lawful defence, or committed on Theives, and Robbers, breaking Houses in the night, or the time of Masterful depredation, or in persuit of Rebels denunced for capital Crimes, or of such who shall assist the saids Rebels, and Depredators by Armes, and by force oppose their persuit, or apprehending, shall not be punished by Death, Froviding that in homicide casual, or in defence, the Criminal Judge may not the less with the Advice of the Council, fine the slayer in his means to the use of the defunds Wife, and Bairns, or nearest of kin, or Imprison his person, and this A& drawn back to the thretteenth of February, 1649. Car. 2. p. 1. Sess. 1. c. 22.

HORNING.

That Persons possessing Benefices, or other Ecclesiastick Rents, remaining year and day at the Horne, tine their life-rent, siclike as Temporal men doe, lam. 6. p. 3. c. 49. See the Act about Temporal mens lossing their Life-rents to their Superiors, in the case foresaid being, lam. 5. p. 4. c. 32. See it in Superiors.

That all Letters of Horning, and Relaxation, be Registrat within siteen dayes ifter the Denounciation, or Relaxation, made in Shirress-books, and marked, and given back by the Clerk. (receaving for his pains Sex spillings, Eight pennies) within Twenty four hours, otherwayes the saids Letters not to be holden lawfully execut, but the Execution to be null. Item, that the extracts make faith, and be effecemed as Authentick. Item, that the Relaxation be made at the Mercatcross of the Head-burgh of the Shire where the Rebel dwels, and the Denounciation was made; And that the tegristratin the same Books, lam. 6. p. 6. cap. 76. some doubts arising upon this Act (spin ad preterita) not now casible, decided. Item, that Letters of Horning dulie execut for not compearing to underly the Law, or for not finding soverty, and reported as use is, to the Justice Clerk, and his Deputes, shall be as sufficient as if registrat in the Sheriss Books. Item, that Hornings within Stewarttries, and Regalities, be registrat within the Books thereof, and that Horning against witnesses needs no Registration, la. 6, p. 8. c. 12. Item, Denounciation at the Mercat-cross of the Head-burgh where the Justice Court sits, and Registration in the Journal-books, in the cases of not compearing, or not finding soverty, as said is, are declared to be as sufficient, as Denounciation, and Registration in the Shire where the Rebels dwels, Ibid. cap, 140. See the Act in Crimes, and Criminal Process. Item, that the Denounciation of such sare lyable to compt in the Exchequer, made for their disobelience, at the Mercat-cross of Edmburgh, and Registration in she Thesaurer-books, or Sheriss

of Edinburgh his Books, deceased to be as gude as if made at the Crofs of the Head-Burgh of the Shire where the Person lives, and in the Books of the Shire thereof, Iam. 6, p. 11. c. 63. See the Act in Exchequer; as also the Act. Car. 2 p. 1. Sess. 3, c. 14. In King.

That Denounciations to the Horn on Acts of Adjournal, made at the Mercattoris of Edinburgh, be as lawful to make the escheat fall, as if made at the Head-burgh of the Shire where the Rebel dwels, declaring nevertheless the Inhabitants not to be in mala side as to rester, until the Denounciation be duly made within the same, la. 6, p. 12, c. 126.

the lame, Ia. 6, p. 12. 6, 146.

Denounciations to the Horn of Persons excomunicat, made at the Mercat-cross of Esinburgh, and Peir and Shoar of Leith, declared to be sufficient both for exption, and escheat, Cat. 2, par. 1, Sess. 1, cap. 25. See the Act in Excomuni-

capion, and ethers, cal. 2 pair to the Act and a termination of Persons dwelland within Stewartries. and Balliaries, Royality, or Regality, be execut at the Mercat-cross of the Head-burgh, and registrat in the Books thereof, and that all Executions, and Registration otherwise made, be null, la. 6, p. 15, c. 264.

Item, that Registrations of Hornings, and Relaxation be made Judicially, or before an Notar, and four witnesses beside the Clerk, and if the Shirest. Steward, or Baillie, refuse to registrar, and be thereupon Instrumented, the Letters may be registrately the next Shirest, Stewart, or Baillie, or by the Clerk Register, and his Deputes, Ibid.cap. 26, But that part of the Act requiring a Notar, and Witnesse rescinded, declaring Registrations made by the Shirests, Stewarts, and Bailliés Clerk, or by the Clerk Register, and his Deputes, to be sufficient, Jam. 6. p. 16, c. 13.

Clerk, or by the Clerk Regitter, and his Deputes, to be lumetent, Jam. 6. p. 16. c. 13.

That the tenor of Letters of Horning, and Executions thereof, shall not be admitted to be proven by witneffes, Ia. 6. p. 6. c. 94.

That Letters of Horning be not generally directed against all and fundry, except it be a Surgh, Colledge, or Community, reprefenting a bodie, at least that no Person be thereon denounced, which shift specially called to hear the saids Letters directed against him, for a special cause, and for that end that in all Ministers Affignations to thirds, or the like, the special Lands, Tennents, and dewttes, be contained. Item, a Beneficed man may seek General Letters, conform to his provision, for Publication thereof, but not to denounce thereupon, as said is, Iam. 6. p. 12. c. 140.

provision, for Publication thereof, but not to denounce thereupon, as said is, Jam. 6, p. 12, c. 140.

A Reduction of an Homing and Denounciation, being presented upon an acquistance, proving the Debt to have been payed of before, for preventing collusion in prejudice of his Majesties Cassalist, the Froducer thereof must swear solemnlie before the Lords, that the acquistance is true, and of a true date, otherwayes he shall not be heard against the king, Jam. 6, p. 14, c. 29.

That no Letters of Horning, (such as for finding of Law-burrowes, or compensing before the Council) be direct against Persons dwelling be North Dee, upon shorter time then fifteen dayes, otherwayes the same to be null, Jam. 6, p. 16, e. 20.

Shorter time then fifteen dayes, otherwayes the same to be null, sam. 6. p. 16. cap. 25.

That Letters of Horning be direct on Shirress, Stewarts, and Baillies of Royalty, or Regality their Decreets, as on Decreets of Proyest, and Baillies, of Burgh, by the Act, Ja. 6. p. 13. c. 177. in Burghs, Ia. 6. p. 18. c. 10.

The same status are to the Admirals Decreets, Ja. 6. p. 20. c. 15.

And as to Commissive their Decreets, Ia. 6. p. 21. c. 7.

Ratified, and poinding aswell as Horning, ordered upon the saids Shires, Commissires, and other inferior Judges, their decreets Ca. 2. P. 1. Sess. 1. cap. 29.

The Act indeed only Ratifies, and Refers to the saids Act. Jam. 6. p. 18. cap. 19.

Wherein neither Commissire, and Refers to the saids Act. Jam. 6. p. 18. cap. 19.

Wherein neither Commissire, and Satherian mamed, its probable that the meaning of the Act is als large as here it is made.

Horning for a Civil cause, declared to be no defence to any Party who shall flay, or murilar, the Person so demonanced, and that this Act have place allannessie, for sic crimes as shall be committed thereafter, Jam. 6. p. 21. c. 3.

HORSE.

That no Horse under three year old out gone, be sold out of the Realm, under pain of escheat of the Horse, Ja. 1, p. 2, C. 31.

That no Horse be transported forth of the Realm by Sea, under the pain of escheat of the Horse. Ship, and remanent gudes of the transporter, Jam. 6, par. 1, cap. 22. The presace of this Ast mentions transporting of Horse to Bour-

Thata Smith shoeing a Horse in the quick, pay the coast of the Horse, till he whole. And furnish the owner with another, and if the Horse will not tend, that the Smith hold the Horse, and pay the price, lam. 3. p. 10.

mend, that the Smith hold the Horse, and pay the price, lam. 3. p. 10. cap. 79.

That layers, or hochers of Horse, or Oxen, or other Carrel, and their maintainers, and refletters, be punished to the Death as Theives, And the maintainers, and Resetters of Theives. la. 6, p. 7. cap. 110. Ratified, but Confined to the time of Labouring, and extended to Cutters, and Destroyers of Fleuch gear, in time of Liling. And to slickers, goarers, and fellers of Oxen, or Horse, in time of Leading of Cornes, or Fewel. Ja. 6, p. 11. c. \$2.

That none unders Baston, or Landed man, worth a Thousand merks of yearly free Rent, keep Horse at the hard meat, after the Fisteenth of May, or take them in before the fisteen of Ostobir, under the pain of elcheat of the Horse, la: 6, p. 7. cap. 122. But this Ad rectified, And it is Statute, That none under Top. Thousand pounds yearly, keep Horse at hard meat after the first of June. And that after the said day, the Earle, and Lotd keep only two, and the Barron one, at most, under the pain of elcheat of the Horse keeps in the contrary, with which the Shiress are impowered to Intromet, halfe to the King, and halfe to themselves, la: 6, p. 11. cap. 56

HORSE-RACES.

If any man gain by Wagers upon Horfe-races above the fum of an Hundra's merks, That the superplus be Configued in the hands of the Collector for Poor, and Magistrars in Burghs, Sherists, and Justices of Peace in the Countrey, are Impowered to persue for the said superplus gain, or els are Declared. I vable to the Informer in the double thereof, half to him, the other half to the Poor, Ja. 6.

HOSPITALS.

That Hospitals be visited by the Chancellour, the Ordinary, and two honest men, and their Foundations examined, or if they cannot be found, that Inquisition be taken, and the matter referred to the King, Ja. 2. p. 14. cap. 69.

That where the Foundations of Hospitals cannot be found, the fruits be affigued to the Foundations of Hospitals cannot be found, the fruits be affigued.

That where the roundations of Holpitals cannot be found, the fruits be affigned to the Poor, Ja. 3, p. 1, cap. 10.

That Holpitals be visited, and the King name Visitours, Ia: 5, p. 7, cap: 101.

A new Visitation appointed, viz. for Holpitals of the Kings foundation by the Chancellour, and all others by the Bishops, with power to the Visitors, to Charge for production of the Foundations, Fewes, and Tacks, And that they report betwirt, and Pash mert, Ia: 6, p: 5, cap: 63.

Anne 1578. See Denations

HOST.

That all men betwirt Sixtie and Sixteen be ready Horfed, and Geired, as they bedt may, for defence of the Realme, and to come to the Borders, Otherwife to be punished in their Bodies, and Goods; and that Weapon-flawings be keepe, from thirty dayes, to thrity dayes, lat 2. p. 13. cap 56. daws 1436. See Weapon-flawings to the Kings Hoft, deftroy Meadowes, or Corns, or foullaise Goods; in counting, or going, and that each Barron answer for the men of his Leading, to prefent them, of pay the skaith. In 3, p. 11. cap: 22. That for faving Corns, and Meadowes, the Kings Army be unhorsed, and ready to march on foor, except Lords, Barrons, and others Licenced by the King, lats, p. 6, cap: 16.

reedy to march on foot, except Lords. Sarrons, and others Licenced by the King. Large, pr 6, cap: 86.

If any man bedisin, or hurs to Death by the Enemy, or Die in the Kings Hoft, during the time of fr., that his Air have his Waird, Releaff, and Marriage of the King free, la: 4, pr.7, cap: 102. This Add bears to be made at Twofilbangth, in Northumberland, by the King, and his Lords prefect in the Hoft, tax, of Angal. 1913. the fame Statut, and extended to the Vaffals of all other Superiors, la 5, pr.2, cap: 3. But this Add mentions no of the has die in the Hoft, this alio extended to un-landed men, that their Wives, and Bairns, bruick their Tacks and Reedings for five years after their flaughter, or wounding to Death, Grefflum free. This cap: 4.

A Church-man flain, or hurt to Death, or dying of Sickness taken in the Hoft, then marching against the English, That his nearest of Kin (most able therefore) have his Benefice. Q. Mr. pr at cap: 4.

La also that any Vasial to flain, or dying, have he waird. Marriage, Nonenry, and reliefe free, only if their be barran beside the Air, that then they have the benefite of the Waird of the Lands, bid: cap: 5. That in case of any mana deceass as aforefaid, his Wase, Ratrus, Affigneyes, or Executors, have his Tacks, and Steedings, Grefflum-free for two years thereafter, payand the wont of Deaty; Ibid: cap: 6.

This three last Acts renewed in favours of such as should be flain, or wounded to the Death by the Rebels. then within the Burgh, and Castle of Edinbargh, restiting his Majesties Authority, la: 6 lp 2, cap. 41: 42, and 43. if any man before

HOSTELLARES.

That in all Burrows, and through Fairs, their be Hostellaries having Stables and Chambers, and provision for Horse, and Man, 1st 1: p. 1: cap: 24.

That all Travelling men on Horse, or Foot, lodge in Hostellaries, unless they sad money with them, In which case, they may lodge with their Friends; and hat once receive Travellers, except Hostellaries, under the pain of Fourise fullaries, to the King, Isms. 1, p. 3. c. 56.

That honest, and competent Hostellaries, be made in all Burghs, Isms. 1 p.

es cap: \$5.

Ratified, and that all Baillies of Surrowes, and Sarrones see to the provision of the faids Hostellanes, la: 5. p: 42 cap: 18.

HOUSE-HOLDERS.

That all House-holders worth Three Hundred merks of yearly rent, or Five landred penadi of flock, have an Bible, and Falm book, invalgar language, their Houses, under the pain of Ten penadi, two thrids of it to the Foor, and to other thrid to the Magiltrats in Burgh, And to the Kings Commissioners in tribes to Landwart, who are appointed to execut this Act, la: 6: p:6: cap: 72.

HOUSES Ruinous, See Burghs. HUNTING, and HAULKING.

That none flay Hares in snow time, See Hares, and that no man slay Due, Rae, nor Deere, in time of stoome, or snow, or their Kidds, while they be a year old under the pain of Ten pounds, lat 3: pt 7: capt 61. See it in Wild Beafts, and the Ada that there follow.

Afts that there follow.

That no man ride . or gang in his nighbours Corns . in Hunting , or Haulking, from Pafs , till they be thorn, and upon Wheat at no time in the year. Item that no Partridge be taken till Michaelmais, and that no man range anothers Woods Hainnings, not inclosers . within Dikes , under the pain of damages to the Partie, and Ten pessads for the first, Twenty possads for the fecond, and eschear of Movasbles for the third fault, to the King. Q: M. P. 16: cap: 11. And that no man hunt, thoot, or flay Deere, or Rae in Others inclosers. See it in Theist.

That none Hunt . or Haulk within Sex miles of the Kings Woods, Parks, Castles, and Palacto. 1s. 6: p. 14: cap 210.

That no man Hunt , or Haulk who hath not a Fleugh of Land in Heretage, under the pain of an Hundred pounds, half to the Delator, la: 6: p. 23: cap: 31.

DIOTRIE.

That the Stieve of Idiotrie, bear to inquire of the folly, and furiofity, and how long time the Person was of these conditions, to the effect, that all Alienations made by the Fool, or Furious Ferson, after that time may be retreated, as well as Alienations made after serving of the Breive, Jam. 3. p. 8. c. 67.

That the nearest Agnat, or Kinsman, of natural Fools, I diots, and furious Persons, be served, and preferred to their Tutory, or Curatory, after the disposition of the Common Law. Jam. 6. p. 10. c. 18.

IDLE-MEN.

That the Sheriffinquire after Idle men, and put them to Work, or Service, or els in Prifon, and that the like be done in Burrowes, I: 1 p: 3 cap: 66' See Beggar, Manufasturies, and Poor.

JESUITS.

The Acts against Jesuits. See in Papifts , and Religion.

IMPORT, See Forbidden gudes, and Trade. IMPROBATION, See Falshood.

Who offers to Improve a Writ as fails, either by way of action, or exception, ould find cantion, or exact himself to pay a pain arbitral, in case he succumb, half

to the Queen, half to the Party. and where the Kings Advocat perfews, that the Informer find the caution, Q. M. p. 7. c. 62.

INCEST.

That fuch as commit incest, by abusing their bodies with Persons in degree expressly forbidden by Gods word Levitiess, Chap. 18. Be punished by Death, Ja. 6: P. I. C. 14.

INCLOSURES.

That no man range anothers Inclosures , Q. M. par. 6. cap. 51. See it in Hanting.

Ad for making of Inclosures, Car. 2. par. 1. Sess. 1. cap. 41. See it in Planting.

INDEMNITY, See Oblivion.

Act of Indemnity, and Exoneration to them that ferved the King in the civil frombles, preceeding, la. 6, p. 7, c, 109. Anno 1581.

INDORSATION, See Execution.

INFEFTMENT, See Charter, and Seafin.

A bounding infefement proceeding upon the Vaffals Refignation, albeit it contain a new Gift, prejudges none anent the Bounds, and Marches. except the Superior the granter. Jam. 6. p. 12. c. 136,

INHIBITION and INTERDICTION.

That all Inhibitions and Interdictions, with their Executions, be Registrat within fourty dayes after their Fublication and Execution. first in the Books of the Sheristof the Shire where the Fasty dwells; and if he have his Lands, or most part thereof lying in another Shire, in the Books of that Shire also, and that the Clerk give back the Letters and Executions marked by him within twenty four hours, receiving five failings for his pains: and the Extracts to make faith in all cases, except that of Improbation; and that no inhibition or Interdiction be of force, but null, except it be so Regisstrat, Ja. 6. p. 7. c. 119.

That Inhibitions and Interdictions against Persons dwelling within Stewartties and Bailliairies in Regality or Royalty, be execute at the head Surgh, and Registratin the Books thereof, otherwise the Executions and Registrations are null, Ja. 6. par. 15. C. 264.

first in the Books thereof, otherwise the Executions and registrations are than, Ja. 6. par. 13. c. 264.

That these Registrations be made judicially, or before a Notar and four Witneffes, beside the Clerk: And if Sheriss, Stewart, or Baillie refuse, and be thereupon Instrumented, the Letters may be Registrat by the next Sheriss, Stewart, or Baillie, or by the Clerk Register and his Deputes, bid. c. 185. But that part of this Act requiring Notar and Witnesses Rescanded, and Registrations made by the Sheriss, Stewart, and Baillie Clerk, or by the Clerk Register and his Deputes declared sufficient, 12. 6. p. 16. c. 13.

SUPER INQUIRENDIS.

That the Secretary and his Deputes pais no Letters charging men to compeat Son Inquirends, or to enter their jetions in Waird, or to do any other deed, under the pain of Treason and Rebellion; and in case of failzie, to denounce, notwith anothing the SubScription of his Highness, or any two, or more of his Council alefs they be subscribed by the chief Officers of State, at least four of them thereof the Chancellor. The surface, or Secretary, one, who shall answer that the others are for Treason, or matters of the highest importance, lam. 6. par. 10

INSTRUMENT. See Notar and VVitnesses.

INTERRUPTION. See Prescription. IRELAND.

That no man pais to Ireland without licence, Ia. 1. p. 3. c. 61. And that fuch as come from Ireland have a Certificat of the cause of their coming, ibid. c. 62. And that they be examined before their landing, ibid. c. 63. And that it be declared that this is not done to break old Friendship with Iristry. but to prevent correspondence with the Kings Rebels there, and English Spies: And that the pain of contraveening, be escheat of Goods, and Body in the Kings will, ibid. cap. 61, and 64.

and 64. Imposition of three pounds upon each Boll of Vactual imported from Ireland; but when Meal and Barley here exceed eight pounds the Boll, the Council is impowered to remit this Imposition, Car. 2-p. 1. Sess. 3. c. 14.

Another Act most strictly prohibbling the importation of Victual from Ireland, or to refet the fame, under pain of Constitution of Vessel and Goods, and twelve bundred pounds upon the Heretors, and Magistrats of Burgas within the Shires, named in the Act, in case they, or their Teanens, or Inhabitants referedive import or refet the same: and that they give Bond for this effect: But the Council when Meal and Bear are at, or exceed eight pounds, and Wheat at ten pounds or above, may allow importation, Car. 2-p. 2. Sess. 3. c. 3.

ISLES. See High-lands.

That Inflices and Sheriffs be appointed for the North and South Illes, 1a. 4. p. 6. cap. 59

JUDGES or OFFICIARS. See Sheriff.

That Officiars and Ministers of the Law be appointed, that can hold the Law to the Commons, and that have sufficiently of their own, wherein they may be punished if they trespals: And that such as are Insert in Offices, and not sufficient, ordain Deputes, for whom they shall be auswerable, Ja. 1. p. 1. c. 6.

That all judges do full Law, and justice, as well to poor as tich, but fraud or guile, and appoint Advocats for poor folk at the Kings direction, who should be payed by the other Farry; if found in the wrong; and that ludges resusing to do the Law evenly be rigorously punished, Ja. 1. p. 2. c. 45.

That just men that kens the Law be made lustices and other Officiars, Jam. 2. p.

6. cap. 12.
All Officiars wilfully trespatting in their Office, times the same for year and day,
Ald c. 16.

That Officiars or Sheriffs, &c. faultife or negligent, if Heretable, tine their Office or a year, and if not, for all the rime they have it, and both to be farther punished

for a year, and if not, for all the time they have it, and bounded at the Kings will, la-2.p. 14. C. 76.

That all Parties first pass to their Judge Ordinary and purtue Justice, and if ho refuse,

refuse, that he be put from his Office by the King and his Council for a certain time, and if be failzie and do wrong, and be an Officiar of Fee, that he be put from his Office for three years; and if he be not of Fee, that he be put from his Office for three years; and if he be not of Fee, that he be put from he for ever, and both the one and the other fail pay the expences of the Farry, and be in the Kings will. And judges ordinary fail be holden to answer for their Deputes. And it fail be leasone for the King to take decision of any matter that comes before him at his empleasance, as it was wont to be of before, Jam. 3. par. 5, cap. 27.

5. cap. 27.

That in case the Ordinary fail in his Office, both he and the Party be summoned before the King and his Council for Justice and Reformation, Jam. 5. par. 5.

That all Civil Actions be first pursued before the Ordinaties, and what Actions are proper for the Lords of Session, 1s. s. p. 14.c. 105. See it in Actions: But the Act is only appointed to endure until the next Farliament.

That Sherists, and other Officiars give the Frocess, whether it be of Debt, or Brieves to the Farry, on his expences for each Act four pranties allanerly, Ja. 4. p.

Brieves to the Farty. on his expences for each Act four pennies allanerly, Ja. 4. p. 6. cap. 67.

That all Sheriffs and other Temporal Judges fet their Courts in all Personal Actions upon fifteen dayes peremptorie, and at that day proceed summarly, & de plans, Ja. 5. p. 6. c. 73.

That all Sheriffs and other Judges make their Deputes able men, for whom they will answer, and that they cause them be sworn, and that yearly, if continued, at the Head Court after Miebasimas, ibid. c. 73.

That all Judges whatsever do true and equal justice, without any pertial Council, Rewards. or Budds, under the pain of Infamy; and if any marmure them fallly, he shall be punished in semblable manner, providing that Spiritual men be called before their Ordinaries, Ja. 5. p. 7. c. 104.

That the Depute may be Judge where the Principal Sheriff, Stewart, or Balllie is the Fursuer, Ja. 6. p. 6. c. 54.

Who strikes or hurts any person before any Inferior Judge siting in Judgement, payes an hundred pounds to the Judge offended: But who strikes or hurts any judge siting in Judgement, incurre the pain of death, Ja. 6. p. 13. c. 173.

JUDICIAL PROCEEDINGS.

The Judicial proceedings under the English Usurpers Ratified, albeit the Atthority was unlawful, in manner fet down in the Act, Cat. 2. p. 1. Seff. 1. c. 12. Act concerning the Regulation of the Judicatories, Car. 2. p. 2. Seff. 3, c. 16.

JURISDICTIONS.

All Judgements and Jurisdictions either Spiritual or Temperal, not appearen by the King and Parliament, are discharged; certifying the Exercus and obeyets thereof, that they shall be punished as Usurpers and Contemners of the Kings Authority, Ja. 6. p. 8. c. 131.

JUSTICE AIR, COURT, and CLERK.

Attumeys in the Juftice Air fould be honeft fufficient perfons, Jam. 1. par. 3.

Attumeys in the Juftice Air should be honest furnesent persons, jam. 1-par. 3-cap. 53.

That the Juftice pais through the Countrey twice in the year, after the old Laws, Ja. 2. p. 3. c. 5. p. 6. c. 12. p. 14. c. 70. once on the Grafs, and once on the Corn, Ja. 3. p. 13. c. 94.

That Juffices, Crowners, and others making course through the Land, ride in competent and easie numbers, Ja. 2. p. 6. c. 20.

That the Juffice Clerk reveal no mans Action, nor translate any Action otherwayes then was given him, but for the better to the King, nor change names one for another, nor put any out of the Rolls without command of King and Councill, under pain of sinfell of his Office, and his Honour and Goods to be at the Kings will, sid. c. 28.

Juffice Airs.nerd not be continued, but continue of themselves until diffolved by the Juffice, Ja. 3. p. 5. cap. 39.

All persons Arrested to the Juffice Air, that may be apprehended in the Town the time of the Air, shall be taken and delivered to the Juffices for to be justified, Ja. 3, p. 7. c. 59.

by the Juffice, Ja. 3. p. 5. cap. 35.

All persons Arrefted to the Juffice Air, that may, be apprehended in the Town the time of the Air, fault be taken and delivered to the Juffices for to be jufficed, Ja. 3. p. 7. c. 59.

That the Juffice in his Air in the head Burgh of the Shire may give an Affise to all linkshitants of other Burrows of their own Nighbours, and failizing of them of these of the said head Burgh, Ja. 4. p. 1. c. 1.

That juffice Airs be held twice in the year, as above, and that all rise and come to fortific the Juffice, as they shall be by him charged, under the pain to be punished as Art and Part with the trespations, Ja. 4. p. 3. c. 29.

That the Juffice Clerk take forth all Statuteshwing gain of Ditray in the end, and take up Ditray thereupon, Ja. 4. p. 4. c. 45.

That Juffice Airs be kept for Dewart, Glensewart, Mewmert, Lechaber, Argila and Bate, as in the Ast. Is. 4. p. 6. c. 60.

That the Process of Institute of Counts be peremptor at the second Air or Count, so that Fugitives not then compearand, shall be denounced, and their Goods eicheat, Is. 5. p. 4. c. 33.

The Institute General may set particular Institute Courts upon any manner of Crimes, as recent Slaughter, Mutilation, Fire, Ravishing, &c. And for Dependations, Reiffs, and Spulizles, that particular Diets be fet at the discretion of the Lords of Session, the matter being first Civilly decided, ibid. c. 34.

That no Precept for Continuation of any Institute Court be admitted by the Institute of his Deputes, is 6. p. 11. c. 79.

That Justice Airs be holden twice every year, over all the Shires, in April and Quality Diets be form the Thesaure, and snother from the Justice Courter of the Realm, with a Depute from the Thesaure, and snother from the Justice Clerk; And that Stewards and Sallliaities come to the head Surger Session, and secondary them till they be received by the next Sherif.

That the field, who shall convoy, attend, and accompany them till they be received by the next Sherif.

That the pain of the Realm, with a Depu

Theift or Reiff by broken Borderen, or High-landers, may be purified either closethe Lords of Seffion, or the Inflices, wid. c. 93. See it in Robbers and

before the Lords or Semon,

That the Indice Clerk, or his Depunes, within fix dayes after the return of Criminal Lerters, deliver the names of the perions denounced, with a nate of the caufes to the Thefauer or his Clerk, as also the Art of Adjournal, with the Precept thereon, to denounce perions finding foresty and not, compearand, Fugitare, within the like space after they be decerned, that the eschesia may be taken up, la.

within the like space after they be decembed, that the elements may be tenen up, in.

6. p. 12. 12.8.

Who firther or huma any person before the Libra inflice or his Deputes firing in
Judgement, incurrathe pain of stath, in, 6. p. 13. 4. 17.

Act concerning the Acquisismo of the Institute of Copts, suppareling the Institute Deputes, and adding fire London's Software to be a general, and Institute Cless,
and appointing four of the whole number to be a general, except in Circuits, with
rules an entitle proceedings of the Count. Cot. 2. p. a. 5.6.1. c. 1.6.

But in time of Vacance of the Softion, there of the last Commissioners are declared a generals, and appointed to meet at Edinburgh in July Yearly, Cat. 2. p. 3.

JUSTICES of PEACE.

That his Majesty appoint yearly in every Shire sufficient Gentlemen living within the same, to be indices and Commussioners for keeping the Feace, who should prevent and suppress distorders, as in the Act. As also, they are ordained to give true adventisement to the Lands of Council, suitice General, and others shoun it effects, of the agrees of the best Winness and Assignment to be Sammonord in all Crimes that shall happen to fall ours in the Shires, that facts are unable to involve lands and the same and their controllers, i.e., p. 2., c. 5. Associately to the Indices of Peace and their Constables, i.e., p. 2., c. 5. Associately to See them as renewed Associates in the Act then made.)

The Act 1617, again Rutified and Confirmed, with power to the Lords of Print Connell to impose penalties on Judices that keep not their intectings, as also as smallife and entarge the power of the Indiaga. as they shall fee cause, Car. 7. year 1. 6. 25.

I. C. 15.

In c. 15.

Commissions and infractions to the luttices of Peace and their Confiables: T influence of Peace are to be nominately the Majesty and his Sudestions, and at the first meeting are to fivear the Oaths of Allegianse, and de fideli, dec.

They fisuld meet four times in the year, the first Tanglayse of March, Mand Angust, and left Tanglayse, of March, Minfert down Peers for Servans, and Priceodur Crasto, change of March, Minfert down Peers for Servans, and Priceodur Crasto, change of March, Minfert down Peers for Servans, and Priceodur Crasto, change of March, Minfert down Peers for Servans, and Priceodur Crasto, change the heath just candered another, may bind the other under a turn to the geace, and commits he sill be find foverty; or without complaint his may bind thest, and the first foverty; or without complaint his may bind thest, and the first foverty; or without complaint his may bind the bear made they may them selves by Oath of mutual gradge; and these Bonds to be kept by the Claim the Peace.

dread another, may bind the other under a fum to the sease, and commit him all he find fovery; or without complaint he may him hash bush, malefi they are themselves by Oath of mutual groupe; and these Bonds to be kept by the Cost of the Peace.

A lustice of Peace may call and compell any man so come basens him, if his Rent exceed not Ten Chalder of Viscual; and if such a Person refuse, the Judice may inform some of his Majestier Friny Cosmeil; that he may be shoul. If the Sheriff or Buillie hath sentenced in Ostender, the Builces may inform some of his Majestier Friny Cosmeil; that he may be should not faits action be not condigo, they may represent his the Cosmeil. And so if any Party he through Collusion acquired by an Assie, the Party once clearly, is not no be farther questioned, but upon their information, the Judges are in he called, confured, and painted by the Council.

The Institute have power to proceed on all Persons commissing Riots, and breaking the Kings Peace under the Agencies and Information, the Judges are in he called, confured, and another by the Council.

The Institute have power to proceed on all Persons commissing Riots, and breaking the Kings Peace under the Agency of a Nobleman, Preises, Cosmission, or enable college of Justice, and to panish and she : And they may refer to Oath, or hold the Party as consected, if personally appealmented, in the sufficient on the condition, or on the second Chation as his dwelling house: And they should are competance before the Council.

They should execute the Acts of Parsiment against Beggers, Vagabonds, bile Persons, and Agyrisus and their References.

They should give order for mending of High Wayes to, or from, Mercut Town, or Sea Ponts, and punish such as wrong thems: And the breach of Wayes to Mercut Towns, or Sea Ponts, and punish such as wrong thems: And the breach of Wayes to Mercut Towns, or Sea Ponts, and punish such as wrong themse and delivoyers of Plagting, green Wood, Orchards, Gardens, Rannings, breakers of Dowcairs and Commingan, Real

They should take notice that Prifon-houses be kept up, and inform the Council there they are wanting.

They may rate Paroches for weakly rate, not exceeding five, not under one failing, for the intertainment of poor Prifoners, and fee it applied.

All Magistrats and Keepers of Prifons shall receive their Prifoners, the Justices teing to their intertainment.

The Justices should fer prices for Penny Bridells, Sheaters Fees, and Crassens work.

They should cause single and double Ale be Brewed, and appoint Visiters with onsert of the Baron and Master, and punish Drunkards.

Three Justices of Peace are declared a full number to decide in matters betwirt efficiens.

Three Justices of reace are not chargeable on Letters of Caption.

Justices of Peace are not chargeable on Letters of Caption.

They should take eare that Limitishow Measures be universally used, and that there be a conformity in Measures and Weights betwirt Hoad Burgha and Countrey about, and for that med they may require a Note of the Magistrars and Dean of Gild, of their Weights and Measures, and inform the Council of any wrong.

When required they stall order their Constables to apprehend contemners of Church Censures.

They should keep the Quarter Sessions.

They should appoint a Collector who should find Caution.

Justices under the degree of a Lord of the Session may have fourty shillings per absent

their attendance ('not exceeding three dayes at the time) from their ar: And such lustices as have the benefit of this allowance, and shall be nom the Sessions, or when required from other Meetings, not excused,

blent from the Seffions, or when required from other Meetings, not exculed, affil belyable in fourty pands.

The Lords of Seffion are to direct general Letters at the Collectors inflance for all Fines on fitteen dayes, and no Suspension but upon Confignation of the Fine, and Caution for payment of Charges.

The luftices should fend in to the Council after every quarters Session a list of the persons committed, or put under sovery by them, with the cause.

They shall execute the Asks against Curiers and Swearers, or mockers of Piety, by exacting the pains statute against Swearing in this Patliament. (See Swearing) And that Wives be lyable in their Husbands Fines, and their Husbands pay for

them.

As also, they shall execut the Laws against Fornication, and exact the pains thereof (See them in Fornication) the one half to be applied to pious uses, in the Paroch where the offence was committed, and the other half to be divided betwize the informer and Profecutor, and Constable, and other uses, at fight of the Ju-

That they execut the Acts against Drinkenness, and Haunters of Tavet and Ale Houses, and exact the pains status in this Parliament, (See Drankens As also against the keepers of such Houses as sell them drink, and applie the fine ers of Taver

is also against the Reepers, of Luch Houles as fell them drink, and applie the fines as bore.

That they execut the Acts against Profanners of the Lords day, and apply the aims as above.

In Hainous Crimes, they shall apprehend the Persons, and Commit, or all them, as the cause allow, take the Accusers Information upon Oath, and bind him to Profecute, take the Depositions of the witnesses, and bind them to ive evidence, and also take the examination of the accused, all which the Juice, or Justices shall certifie to the Quarter Sessions. ox Criminal Court, as persons.

fice, or junices and century or Baillie, acclaim right to proceed against a frant Noble-man, Barron, or Baillie, acclaim right to proceed against a frant Official Official apprehended by a Constable, the Justice shall take soverty of him, to Minister Justices twice anthe year, the fust of December, and the first of June take up a List of the Poor in every Paroch, and appoint two or more Oversers in each Faroch, to provide for them, as in the Ast, and that the faids Oversers accept, and discharge faithfully, under the pain of 20, possed.

CONSTABLES.

as the Juffices in their Quarter Seffious, appoint two or moe Confiables in every th, or great Town from Sex moneths to Sex moneths, but in Burghs Roya free Cines the Confiables are to be chosen by the Magistrata, and the Confiable to Accept, or Swear, may be by the Juffices Impriloned, and fined This was a second of the property of the process of the real proce

of Peace.

The Confiables hall apprehend Persons for Sloughter, Mander, Theift, or any other frime, and eaths them to the next justice, and require highbours to Afift, who refusing shall be possisted by the Justices.

They hall arrest all wearers of Gams, not being in his Majestice service, or daily seemed, and carry them so the next justice.

They mould redd frayer, and call there so the Afishance of the Nighbours, and if they get shaith, the Justices are so punish the doers of it.

A Confiable may follow a Person, that both made a fasy, to the House he flies to, and require open Doers to be made, and upon refusal take Witnesses.

nenes.

In a fresh perfuit he may follow without his bounds, and require Nighbours to Affet.

Affit.

The conflables should execut the Justices of Peace their Orders.

Upon complaint the Conflable may apprehend a Threatner, and earsie him with the other to a lustice of Peace, and if he refuse may impetion him.

That the Conflables, and Clecks of the Peace, be peyed for their labours, out of the fines, or otherwise if they fall short, at the fight of the Lords of Exchequer.

Lastlie the whole premises are declared to be without prejudice of any mans Right, or trivilledge of turifdiction whatforer; And therefore the Indices may part cite any Party until the expiring of Fifteen dayes after the Fast, and then if others neglect, they may cite and proceed, Car. 2, p. 1. Self. 1. c. 38.

K

KING, See Annexation, Diffolution, and Revocation.

That the King canse make trial by inquest, what Lands belonged to his Predecesors, and he may dummend his Tennesus to shew their Charters, and Evidents, a. t. p. 1. c. p.

The King hath right to all mines of Gold, and Silver, if three half pennies of Gilver may be fined out of the pound of Lead. Ibid. cap. 12.

The King may gart strick new money when him likes. Ibid. cap. 23. See Manry.

Money.

The Kings Governout during his Government, might annalize from the Crown, lands fallen to it throw the decease of Bathards. In. 1. p. 10. C. 133.

The Breakers of the Kings Protection should be Punished, lam. 1. p. 11. C. 134.
See it in Protestion.

King Jamus the Second brought by all the Earls, Lords, Barrons, and Free-holders, from the Castel of Edinburgh, to the Abbay of Haly-road-honse, to be there Crowned upon the Twenty of March, Anno 1437. lam. 2. par. 1. cap. 1.

tap. 1. The Kings perfect age is, at twenty ane year complect, Ibid. cap. 2. and lam. 4

The Angsperies ages,

1, c. 10.

That the King ride throw the Realm for the punishing of Crimes. And the arrons are oblidged to affish with their power, in bodies, and gudes, as oft as all be seen speedful by the Council, is. 2 p. 3. c. 6.

That it shall be leasom for the King, to take decision of any mater that comes effore him, a stehls empleasance, as it was wont to be of before, is. 3. p. 5. c. 27. Mall be 6

thall be leen precise to the King, to the Ling, to the Ling is the leaform for the King, to the Ling before him, as this emplealance, as it was wont to be of before, in, p. 15.

See it in Judge.

That the Ling prefent to Benefices belonging to Bishopricks, the Bishops feige valing, lam. 3, p. 11.6. 25.

And that no man purchase from Rome Commissions in the contrary, lind. c. 26. under the pain of Proteription, and Treason, la. 4, p. 1.6. 4.

That no man break the King fate conduct, under pain of Death, la. 3, p. 12.

They that with holds the Kings Rents, may be diffreinted upon, and the us brought to the King, Ism. 3. par. 13. cap. 91. See the feveral Adetter payment of the Kings Rents, in Chamberlane, Competaller, and

romile and Oath of the three Efistes not to countenance manifest Traitors, and the rations of the three Efistes not to countenance manifest Traitors, and the rations of the three pains them, is 2, p. 14 c. 94. See it in Traison.

A Council cholen to the King Minor for the time by the Parliament, and made countable to them, and the King humbles himself to promit to abide at their councils, untill the next Parliament, and until then that all Gifus be granted by the King with their consent, Ism. 4, p. 2, c. 12.

That no man compel the Kings proper Tennents to doe service by Coastion, or bread, under the pain of Opprelino, Isial c. 21.

The Priviledges, and Liberties of the Kings Forrests, and Parks, See in invertis.

That no man doe contrary the Kings Priviledge, granted him by the Siege of Forrefis.

That no man doe contrary the Kings Priviledge, granted him by the Siege of Jones, Is. 5, p. 7, c. 119. See Benefics and Clergie-man.

That the Nomination so Prelocies, vaiking, persains to the King, and the provision to the Pope, Is. 5, p. 7, c. 125. See Prelocies.

Act ordaining all Signatures, and Gifts, granted by King James 5th, before his decease, to be exped throw the Seals, and perfected, notwithstanding his Decease, and the change of Seals, Providing they be presented betwirt and a certain day, Q. M. p. 1, c. 1.

Declaration of the Queens perfectage, to be at Twenty ane years compleat.

Q. M. p. 10, 6, 87.

Declaration of the Queens perfectage, to the St. p. 10. 6, 87.

The fame Declaration made for King James the 6th, and his Successors, Jam. 6.

p. 11. c. 22. As also after the running of the anni miles, King James his perfect age of Twenty five years complete is also mentioned, Jam. 6. par, 12.

age of Twenty five years compleat is also mentioned, lam. 6. par. 12. cap. 159.

That all Kings, and Princes, or Magifrats, whatsoever holding their place, that fall happen to reigne, or bear rule over this Realm, at the time of their Coronation, and receipt of their Princely authority, swear to serve God, according to his word, and according to the same word to maintaining the true Religion, the preaching of the word, and right Ministration of the Sactaments now received, and to abolid, and gain stand all falfs Religion, contrary thereto, to rule the people according to Gods word, and the Laws of the Land, and to procure peace to all Christian people, to preferre, and keep the Rights and Rents of the Crown, to forbid, and repress all oppression, and wrong, and to procure suffice, and equity to all Creatures, and that they shall root out of their Lands, all Hereticks, and enemies to the true Kirk of God. Ia. 6, p. 1. c. 2. Anns 1567.

Ratification of all things done in King James the Slatch his name, and for maintenance of his authority by his Regeats, and Others, since his Coronation, and annulling all things acced by any other authority, linee that time, lam. 6, p. 3. cap. 50.

tenance of ms atments of market when authority, fince that sime, Iam. 6. p. 3. cap. 50.

Aft Rarifying the Royal power, and authority over all Effaces, afwell Spiritual, as Temporal, in the Person of the King, his Airs, and Succession, and that they and their Councils, are judges competent to all Persons, their subjects, and in all maters wherein they fault be summoned, or charged to answer such things as shall be inquired of them, and that none decline the King, or his Gouncil in the premises, under the pain of Treason, 1s. 6, p. 8. c. 129.

No Council, Couvention, or Assemblie, to treat, or determine in mater of State, Civil, or Ecclesistick, (except the ordinary ludicatures) can be held without his Majesties special command, and licence, under the pain of unlawful Convocation, Ibid. cap. 131. (See Convention.)

This Act revived, and ratified, and to explaine it, so as not to extend to Councils, and Conventions keeps for preservation of the King, Religion, and Laws, or for the guide of the Kink, or Kingdome, is declared to be false, and disloyal, Car. 2, p. 7. Seff. 1. c. 4.

Act for establishing a Horse Guard to the King of Foursie Persons, with two Hundged pounds yearly the man, and that for that end, the King have the first years strains of all Benesices, (laick Patronages excepted) with all the Fruits during the Vaccancy, as also the fifth part of the Rents of all Benesices yearly, beside the thirds, that his Highanels hash right to, and may intromet with all Monds, and Nuns portions deceased, or who shall decease, that the Presentation, Gift, and Disposition, of all Prelacies permines to the King, by right of his Crown, Jam. 6. p. 8. c. 137.

Mo Learners, or Bands, may be made amongst the Leiges, without the Kings

Disposition, of all Prelactes persuates to the Leiges, without the Kings No Leagues, or Bands, may be made amongst the Leiges, without the Kings privity, and consent, under the pain of Sedicion, Ja. 6, p. 10, cap. 12. See Leagues, Revived and Ratified with the same rejection of the falle gloss put upon the Ast, Ja. 6, p. 2, c. 131, above, Cat 2, p. 1, Sest. 1, cap. 4.

That the Kings property sustain his House, and that who intromets therewith ought to furnish the expences of the House, in ready money, Jam. 6. 11, Cap. 67.

with ought to furnish the expences of the print of the company in great. Ibid. c. 69. See it in The Kings Cafualities, should not be given away in great. Ibid. c. 69. See it in

Cafashiry,

To strick, hust, or slay, any person, within the Kings inner-Chamber, Cabinet, or Chamber of Feace; The King being for the time within the Falsce, or within the Kings Council House, the Council string, or in the Kings presence, where ever he be, is Treason, and if it be done within the Inner-gate of the Kings Falace, where His Highness resides, for the time, is is Death, Sam. 6, p. 13.

Palace, where His Highness resides, for the time, is is Death, Iam. 6, p. 13.

220, 173.

The Kings of this Realm being free Princes, of a Soveraign power, having als great Prerogative as any other King, or Potentat, Therefore, they ought to have the like Customes of all gudes imported, and thereupon the Act impossing the like Customes of all gudes imported, and thereupon the Act impossing the last Customes proceeds, Ia. 6, p. 15, c. 251. (See the Act in Customes.)

The negligence of the Kings Officers in pertiung, or defending his causes, prejudges not His Majestie, but may be supplied by their Successors, in their Offices, without necessity of Reduction, Ia. 6, p. 16, c. 14.

That no man invade, or persew another, within a mile of the place of his Majesties residence, for the time, or persew another, within a mile of the place of residence, atmed, with Jack, or Corder, under the pain of wairding for year and day, and finning at his Majesties pleasure, bid. c. 26.

Act acknowledging his Majesties Soveraign Authority, and Royal Prerogative, over all Estates, Ferions, and Gauses, rescanding all things done or to be done in the contrary, with a faithful promise perpetually to acknowledge, obey, and maintain, the Life, Honour, Authority, and Royal Prerogative, of his Majestie, his Airs, and Successors, with Lives, Lands, and Gudes, and to withstand all who shall intend to impungue. hurt, or impaire the same, and never to come in the contrary, Ja. 6, p. 18, c. 1.

The same Act Ratified, and the Prerogative afferted, in favours of King Charles, Car. 1, p. 1, c. 3.

The same Act Raubed, and the recognition to be Soversign Monarch, absolut The hall Effates acknowledge the King to be Soversign Monarch, absolut Prince, Judge, and Governour over all Petitons, Estates, and Causes, Spirimal, and Temporal within the Realm, Ja. 6. p. 18. c. 1.

The Temporal Jurisdiction of the Kirk, showes from the King only, as all other Jurisdiction doth, Ia. 6. p. 20. c. 6.

The Parliament refer to the Kings appointment, to prescribe the habites of Magistrats, and Commissioners of Burrows. Lords of Session, inferior Judges, and Lawyers, and of all Kish-men, and in what mannet, and at what times, to be nied, Is. 6. p. 20. c. 8. (See the Act in Apparel) and the time power as to the apparel of Kisk-men, is seclated to remain with King Charles, and his Successions, Ca. 1. B. 4. 6. 3.

The Indiction of General Affemblies of the Kirk, belongs to the King, by versus of his Prerogative, In. 6, p. 21. c. 1.

The naming of the Commissioners for Teinds, and for the survey of Laws, referred to the King, by the Parliament, and therefore they give warrand to the Clerk, to infert his Majetties Nominations. in the Commissions of the Commissions. his Prerogative, la. 6, p. 21. c. 1.

The naming of the Commissioners for Teinds, and for the survey of Laws, retered to the King, by the Parliament, and therefore they give warrand to the
leek. to infert his Majerities Nominations, in the Commissions then given in
aritiment, Car. 1. p. 1. c. 20.

The King in absence of the Lord Chancellour, Nominats who shall preside in
artiaments, and other publick Judicatories, in his place, Car. 2. par. 1. Sess. 1.

10. 1.

Clerk, to infert his Majethies Nominations, is the Commissions then given in Parliament, Car. 1, p. 1, c. 20.

The King in absence of the Lord Chancellour, Nominats who shall preside in Parliaments, and other publick Judicatories, in his place, Car. 2, par. 1. Sess. 1. csp. 1.

The King by Prerogative of his Crown, hash the sole appointment of Officers of State, and Frivy Counsellers, and the Nomination of the bords of the Session as preceeding the year 1637. Car. 2, p. 1. Sess. 1. c. 2.

As also the power of calling, holding, proroguing, and dissoving Parliaments, and Conventions of Estates, doeth folly reside in the King, his Airs, and Successours, and no Farliament can be keep without the special warrand, and presence of the king, or his Commissioner, nor any Act or Statut thereof binding, without his special Authorry, and approbation interponed thereto, at the making thereof, and that none offer to impugue, or doe in the contrary thereof, under the pain of Tteason, bid. cap. 3.

For Afferting the Prerogative of the Crown, (which his Majesty holds from God Almighty alone) its declared, that the power of Arms, and making of Feace, and War, or Treaties, and Leagues with forreign Frinces, and States, doth properly reside in his Majesty, his Airs, and Successours, and that they have the only sight of raising the subjects in Arms, and to command, order, disband, or otherwise dispose of them, and of all Strengths, Forts, or Garnssons, within the Kingdom as they think fit, the subjects being alwayes tree of the provision, and maintenance of these Forts, and Armies, unless it be concluded in Farliament, or Convention, and all deeds in the contrary of this Act, are declared to be Treasonable, bid. cap. 5. And all Acts, and Fractises contrary to these three last Acts, or thereby residued.

That his Majesty holds his Grown immediatly from God almighty alone, is again afferred. Cart2. pt. Sess. 1. cap. 15. and pt. 3. cap. 2.

Act condemning the giving up of King Charles the first his Person to the English, at Neureasse,

incapable of any Act of Pardon, or Oblivien. for ever. Car: 2. p: 1 Seft: 1. eap: 10.

Offers of Lives, and Fortunes, to his Majefty, against all deadly, in every came. wherein his Majestles Person, Authority, or Government, may be converned. As also in selpect of the late troubles, and that his Majestly hath signified his resolution, to traile no more Cefs. a notier, and grant is made of any yearly Annuity of Fourty Thussians pounds Sterling to his Majesty during all the dayes of his Life. Car: 2. p: 1. Session. See Annuity.

Act Declaring that what shall be determined by his Majesty, with advice of the Bishops, and such of the Clergie, as he shall Name, in the external Government and Folicy of the church, consistent with the Law of the Land, shall be valide, and effectual, as also all Church Fower, Justsassion. or Government, is Declared to depend upon, and be subordinate to the Kings Soveraign power, as dupreme, and that it is to be Regulated, and Authorized by the Bishops under his Majesty, to whom they are to be accompable, and all Acts in the contrary heteos, specially the Act lat 6. p: 12. cap: 113. statescinded, Car: 2. p: 1. Session for that spretending his authority, that subjects upon presence of Reformation, or upon any other, may enter into Leagues, and Cevennants, or take up Arms against the King, or that pretending his authority, they may take up Arms against his Person, or these continuous on their date obscience, and allegiance, are declared to be Treasonable, and Rebellious, Car. 2. p. 1. Session, and allegiance, are declared to be Treasonable, and Rebellious, Car. 2. p. 1. Session, Ratifying the Adts, lat 6: p: 11. C: 62. (in Exchapser) cap: 63. (in Chamberlane) cap: 79. (in Sherist) part 14: cap: 230. (in Chamberlane) and p: 15: C: 262. (in Highlands, and light). In 56 far as the same may be extended to the payment of his Majesties Reuts, and ordaining Chamberlane's pable therein, to find caution conform thereto, and that the Thesiurers Register, which are all declared to be fushingent to an

ment thereof the intervery and a series of twenty thousand Foot and two thousand Horse for his Majesties service, Car 2.p. 1. Sess. 3.c. 26. See it in Militia. It belongs to his Majesty by vertue of his Pierogative, to order and dispose of Trade with Forraign Nations, and to lay restraints and impositions on Forraign imposted Commodities, and all Acts and Statuts in the contrary are rescineded.

Indice with residual contrary are received, and all Acts and Statuts in the contrary are accumulated.

1818. c. 27.

Act affecting his Majesties Supremacy over all Persons, and in all Causes Ecclesissible, and that by vertue thereof the ordering and disposal of the external Government and policy of the Church doth belong to him and his Successor, as an inherent right to the Croon; and that he may enact and emit such Constitutions, Acts and Orders concerning the Administration of the said Government, and Persons imployed in the same, and concerning all Church meetings, and matters to be proposed and determined therein, as he shall think fit, and all Laws and Consons in the contrary are rescinded, Car. 2, p. 2, Sessi 1, C. 1.

The Kings Succession, or the Succession to the Crown afferted, Car. 2, p. 3, c. 2. See it in Succession.

2. See it in Succession.

Act declaring that in respect his Majesty is the Fountain of all Jurisdiction, therefore, notwithshanding of the Offices conferred upon any, yet he may by himself, or any Commissionat by him, take cognizance and decition of any cases or causes he pleases. Car. 2, p. 3, c. 18.

KIPPER. See Salmond.

KIRK. See Manses, and Ministers, and Teinds.

That the Holy Kirk and its Ministers brook their Freedoms, and none let them to fet their Lands and Teinds, Ja. 1. p. 1. c. 1.

That Holy Kirk be kept in freedom, and no man vex Kirk-men in their persons and goods, under all highest charge, Ja. 2. p. 3. c. 4.

That the liberty and honour of Holy Kirk be observed, Ja. 3. p. 1. c. 1. and p. 5.

2.26. Ja. 4: par. 2. c. 7. Ja. 5. par. 1. c. 1. and par. 7. c. 125. and Ja. 6. par. 11.

That general Process and Cursing be made against the breakers of the liberty of Holy Kirk, and that no notiour layalours of the Kirk, nor curse d Persons belieccived in the Kings Palace, Presence, Council, or Parliament, nor heard in any Cause, tilt

is, Affirh the Perry, and obtain absolution, Ja, 2. p. 4. c. 7. See

they make amends, Affith the Perry, and obtain abfoliation, Js, 2-p.4.c.7. See Carfing and Excommunication.

Perturbers of the Kirk in time of Divine Service or Preaching, incur the pains following: The Frelat of Lord ten promise, the Baston of infectious Ecclefishick Dignity for possed; the Free-holder, Burgels, or other Beneficed mm four; foilings, and others twenty faillings for the first fault, doubling thereof for the faccond, and wairding and banishing year and day for the third. And that the Kirkmafters gar leish Bairms that perturbs the Kirk, Q. M. p. 5. c. 17.

That a Perion under Curling, refusing to remove (being charged) the time of Divine Service, be punished as a Perturber, Ibid t cap. 18.

That no Homing be direct against Kirk-men for payment of their Tax, providing the Clergie find some other lure way for inbringing thereof, Q. M. p. 6. cap.

That the Lords of Councill put order to the se-parrelling of Kirks, and Kirkyairds, Q. M. p. 3. cap. 76.

Ratification of this Act, and the Councils order following thereon, upon the thirteninh of sprember 1563. With this addition, that where the Parochiners refuse to elect persons to Tax themselves, or where there are no Deacous, to Collect it. That there the Bishops may chuse both Stent-makers & Collectors. That the abstracters of the materials of Kirks demolished may be convened therefore before the Bishop, and that letters of Horning be direct on their sentences, Ja. 6. Par. 3, Cap. 54.

That the Ministers of the Evangel, and people now professing Christ as offered in the Gospell, and Comunicating in the Sacraments, as now administrat, conform to the Confession of Faith, are Christs true and holy Kirk, and that all that gain-say the said Evangel, as professed. The said Sacraments, are no members of the said Evangel, as professed. Anno 1367. Ratified par. 3. cap. 47. and par.6 cap. 48.

the faid Kirk, Ja. 6. par. 1 cap. 6. Anno 1367. Ratined par. 3. cap. 47. and par. 6 cap. 68.

That the Examination and Admiffion of Ministers be only in the power of the faid Kirk, without prejudice to the Patrons rights, Ja. 6. p. 1. cap. 7. See Patron. The Teinds are faid to be the proper Patrimonic of the Kirk, ind. cap 10.

Ratification of all Civil Previledges granted to Kirk men, ind. c. 24.

Ratification of all Ads in favours of the true Kirk, & Religion themprofessed, h. 6. p. 2. c. 35. Anno 1571. p. 5. c. 61. p. 6. c. 68. p. 7. c. 99. (This Ad contains a full enumeration of the Ads therein Ratified) la, 6. p. 12. c. 114. (whereby the Ads. p. 6. c. 63. and p. 7. c. 99. are more especially confirmed, and Presbyterian Government established) and Ia. 6. p. 16. c. 16.

The lurididition of the Kirk declared to stand, in the Preaching of the Word, Correction of Manners, and Administration of the Sacraments, and that there be no other face of Kirk then what is now established, and that there be no other Exclessed to the Kirk, or who raises and that there be no other face of Kirk then what is now established, and that there be no other Exclessified hurificialion within this Realm aneas the premissed, but what is in, and flows from the samine Kirk, 18. 6. p. 6. c. 69.

That troublers of the Kirk, or who raises any fray therein, or in the Kirk-yard the time of Divine Service, be punished by shiel of all their Movesbles, lam. 6, p. 11. c. p. 27.

the time of Divine Service, be punished by tinsel of all their Moveables, lam. 6. p. 11, cap. 27.

At chablishing Presbyterie in its General and Provincial Assemblies, Presbyteries, and Kirk Sesson, with the whole Jurisdiction and Discipline of the Kirk, as agreed to by the King & the Kirk, & contained in certain Articles inferr in the Astr As also abrogating some particular Ast, & all others in general for the Propes Authority, with an Act la. 3. for observing the Saturday and other Vigila. An Act Q. M. for holding of Passeband Issis, and all other Acts and Laws against the true Kirk Jurisdiction, and Discipline thereof, are abrogat. It is also declared, that the Act la. 6. p. 2. c. 13. 1, confirming the Kings Royal power, doth not derogat from the power of the Spiritual Office-beaters in the Kirk. concerning Religion, Herefie. Excommunication, Collation, and Deprivation of Ministers, and such like effential Censures, specially warranted by Gods Word; and all Prefentations are ordained to be made to Fresbyteries, la. 6. p. 11. c. 114. But this Act abrogatism in Past, la. 6. p. 21. c. 1. And then totally, Car. 2. pst. 1. Sesson 1. Both in Bispat, la. 6. p. 21. c. 1. And then totally, Car. 2. pst. 1. Sesson 2. Both in Bispat, la. 6. p. 21. c. 1. And then totally, Car. 2. pst. 1. Sesson 2. Cap. 1. Both in Bispat, la. 6. p. 21. c. 1. And then totally, Car. 2. pst. 1. Sesson 2. Cap. 1. Both in Bispat, la. 6. p. 21. c. 1. And then totally, Car. 2. pst. 1. Sesson 2. Cap. 1. Both in Bispat, la. 6. p. 21. c. 1. And then totally.

part, Ia. 6, p. 211.6.1. And then totally, Car. 2. par. 1. Seff. 2. cap. 1. Both in BiJappa.

All Committers of Slaughter within Kirks or Kirk-yeards the time of Prayer,
Preaching or Ministring the Sacraments, being denounced therefore, and all declared referters of them after their faid denounciation, tine their life-terms afwell
as their fimple eicheaus to the King, Ja. 6. p. 12. cap. 118.

A person being charged by the Beddle, and thereafter by the Minister of the
Paroch three severall Sabbaths from Pulpir, in the Name of God and the King, to
obey a sentence of the Kirk against him; And refusing, may be cited upon implication of the Judicatorie that gave the sentence, before the Lords of selfion, that
letters of Horning on an Charge of ten dayes be direct against him in case of disobedience, Ja. 6. par. 13. cap. 136.

All Common Kirks declared to be of the nature of other Parsonages and Vicarages, and ordained to be conferred to Ministers by Presentation and Collation, Ja.
6. par. 14. cap 196.

That the Parochiners repair the Kirk-yeard dykes with stone and Mortar to the
hight of two ells, with sufficient Stiles and entries, and that the Lords of Seffician
direct Lemers hereupon as effects, Ja. 6. par. 15. cap 232.

That Synods of the Kirks of everie Diocie be held twice a year, in April and
Oldsber, and where the Diocie is large, that there be two or three Synods in convenienrelaces for the Ministers there ease, Ja. 6. par. 21. cap. 1.

That Kirks be provided of Basons and Lavers for Baptilme, and Cups, Tables and
Table, cloaths for the holy Communion, at the expences of the Parochiners: And
that the Minister keep the same, and he and his Airs, and Executors be answerable
therefore, in case they be either lost, or used to prosane uses, and that the Ministers
Faise Letters. and do diligence hereupon betwirt and the first of February, 1613.

Ja. 6 par. 22. cap. 6.

KIRK LANDS.

That no Few or Tack of Kirk-lands obtained fince the fixth of March., 1558. be a good Title for warning and removing the kindly Tennents and Possessors of the fame until Wintfunday, 1566. without the Queens licence had in Wiri; And that no Kirk-man whatsoever fet Fews or Tacks of Kirk-lands for the space of three years next to come, without the like licence, Q. M. p. 9. c. 77.

Thir all Confirmations to be granted by the Queen, of Infestments of Kirk-lands given since the sixth of March, 1558. be als valid as the Popes Confirmation was of before, providing that such of the laids Infestments as are not confirmed be of none avail, Q. M. p. 10. c. 88.

That all Fews of Kirk-lands set either before or after the eighth of March, 1558. be brought in and confirmed for the trates mentioned in the Act; And that all such Fews set or to be set, and not confirmed, be null by way of exception, and also reducible at the instance of the Kings Advocat, for this sole reason, 12. 6. p. 9. cap. 7.

But this Act as to all Fews fet preceeding the eight of March, 1558, in this man-ner corrected, That all Fews fet by Prelats, of old being authorized by the sub-feription of King James the Fifth, or any of his Predecessors and their Frivy Seal, are declared to be good, valid, lawful, and perfect, and as effectual as if the Pope or Kings most soleron confirmation were therewith produced, Ia. 6, par. 13.

cap. 187.
That no erection of Kirk-lands, or Teinds in Temporal Lordfhips, made fince the Act of Annexation, 1527. be Ratified; And that none be made in time coming declaring the fame to be null. Excepting all Erections of parts of Kirk-lands already Erected in favours of fuch who lince the Act of Annexation have been made foleran by Lords of Parliament, by Belting and other Ceremonies, and have firen therein, la. 6, p. 12. C. 119. Alı All erections granted and Ratified fince the Act of Annexation of the Tempo-iries of the Kirk, 1587. and not therein excepted, reft inded, and declared null,

ralities of the Kirk, 1587. and not therein excepted, restinded, and declared null, Ja. 6. 195.

The Superiorities of all Kirk-lands, with the Casualities of the saids Superiorities, not disponed before the Commission of Surrender, dated 17. January 1627. And also the whole Few-mails and other Rents thereof since the said Commission, declared to belong to the King, reserving to the Titulars of Erection, as in the Act of Annexation then made, Car. 1. p. 1. c. 10. And that all Right of Property the saids Superiours had the time of the said Surrender, be holden of his Majesty, as it held before the Erection, excepting the Superiorities belonging to Arch-bishops, and shinops, and their Chapters from this Act, Car. 1: p. 1: 1: 1: 4. See the said Act of Annexation, Car. 1: p. 1: c: 10. with the Ratification thereof, Car. 2: p: 1, Sess. 11. c. 53. in Annexation.

ABOURING.

Men of simple Estate that should be Labourers, should either have half an Ox in the Plough, or else delve each day seven foot square, under the pain of an Ox to the King, Ja. 1. p. 2. c. 41.

That each man having a Plough of eight Oxen, sow at least a First of Wheat, half First of Pease, and fourty Beans yearly, under the pain of reas so things to be exacted by the Baron who is to sow as much on his own Domains, and to exact the said Fine from his Tennents, under the pain of savry shillings, Ja. 1. p. 5. c. exacted by the Baron who is to low the faid Fine from his Tennents, ur

LAND-LORDS.

That every Mafter that is Lord, Baron, and Free-holder, answer for his own men welling upon his bounds within the Shire, to enter them to the Law, or be lyable

That every Master that is Lord, Saton, and Free-holder, answer for his own men dwelling upon his bounds within the Shire, to enter them to the Law, or be lyable for their un-law, la. 5. p. 3. c. 6.

That all Masters, and namely Land-lords within Towns, be holden to enter and present to Justice, persons within their bounds, or dwelling in their houses, suspected to be Thieves, Harlots, refetters of Thieft, or Vagabonds, and that therefore the Land-lords within Towns, or their Suburbs, take soverny of their Tennents for their relief, Ja. 6. p. 14. c. 227.

That Land-lords and Masters be lyable for their Tennents, Cottars, and Servants sentenced for Field Conventicles, or reset of Preachers Intercommuned, or declared Fugitive, either to pay their Fines, or to put them out of their Lands or service, or present them to Justice, as in the Act, Car. 2. p. 3. c. 4.

LANTERN. See Fire. LAW-BORROWS.

When two Parties are affured by Burrows. if any friend to either flay the other, he shall die therefore, and his Goods be eicheat: And if he Felloniously hurr, or defoul, assained with Edge or Ure, he shall be imprisoned, assist the Party, and make a mends to the King or Lord as effiers, Ja. 1. p. 6. c. 98.

If a man dread another, and ask soverty, and prove his ground of fear by his own Oath, or otherwise; If the Sheriff do not his Office, he pays fourity pounds to the King, and assists Party, 13. 1. p. 9. c. 129.

That in the case foresaid, the Sheriff and other Officiars take Burrows of peace after the former Act, Ja: 2: p! 6: c: 12.

The pains of breaking of Law-borrows declared to be according to the degree and quality of the person on whom they are broken; But the Act is only appointed to endure untill the next Parliament, Ja: 3: p! 1: c: 5.

That upon complaint of a Party Law-borrows be found, that he shall be harmless and skaithless in his Person or Goods, under what pain the Lord Chancellor or Justice shall modifie, Ja: 4: p: 3: c: 27.

That the pains of Law-borrows be divided betwixt the King and the Party, and that the Party have Action therefore, Ia: 6: p: 6: c: 77. and p! 13: c: 166.

That the form of Letters of Law-borrows charge the Persons complained upon to find Law-borrows that the chargers, their Wives, Bairns, Tennents and Servants shall be harmless and skaithless in their Bodies. Lands, Tacks and Fossessions, Goods and Gear, and on no wife to be modelted or troubled therein by the Persons charged, or any other of their causing, sending, hounding, referting, command assistance and Ratishabition, whom they may thop or let, directly or indirectly, otherwise then by order of Law and Justice, under great pains, to be modified by the Lords of Session, and other ludges ordinary, and divided as in the former Act. Ja. 6. p. 7. c. 118. See Pains, and the pains of Law-borrows there set down by the Act, Ja. 6. p. 7. c. 118. See Pains, and the pains of the bedown to the Justice Clerk and his Depute that

LAWS. See Parliament.

That all the Kings Leiges live and be governed by the Kings Laws, and under to particular Laws, nor Laws of other Countreys, Ja. 1. p. 3. c. 48, And this is occally frature for the Illes, Ja. 4, p. 6. c. 79.

And these Acts Ratified, and all jurisdictions not authorized by King and Partament, discharged, Ia. 6. p. 8. c. 131. See Jurisdiction.

Committion for revising and mending the Books of Law, that is Regiam Majeterm, and Quantam Attachiamenta, Ia. 1. p. 3. c. 54.

The same Commission given to four of each Estate. for examining the Kings aws, Regiam Majestatem, and other Acts, and Books, Ia. 3. p. 14. c. 115.

Laws should be extended as future or non adpraterite, Ia. 6. p. 10. c. 19. See it Psynding. And Ia. 6. p. 13. c. 182. See it in Prelacies.

Batem, and The fame Co

LEAGUES and BANDS.

That no Leagues nor Bands be made among it the Kings Leiges, and that fuch as are made be not kept, i. a. p. 2.c. 30.

That no Leagues nor rifing of Commons be made in Burrows, to the hindering of the Law, but at command of the head Officiar, under the pain of Confication of Goods, and their lives to be at the Kings will, la. 2. p. 14. c. 77. la: 4. p. 3. c. 34. and p. 6. c. 87. Ratified la. 6. p. 18. c. 17.

That all Leagues made in time by gone among the Subjects be null, and that none be made in time coming, under the pain of wairding during the Queens pleafure, Q. M. p. 6. c. 43. See Man-rent.

And this Ad Ratified, annulling all Leagues and Bands already made in the contrary, and difcharging any to be made in time coming without his Highness privity and consent, under the pain to the Makers to be holden and execute as movers of Sedition, la. 6. p. 10. c. 12.

Revived and Ratified, and that to explain this Ad so as not to extend so Leagues

and Bands made for preferving the King, Religion and Laws, for the good of Kirk and Kingdom, is false and disloyal, Car. 2: pr. 1: Seff. 1. C. 4.

The Kings Authority and true Religion to be maintained against all enemies, specially those of the holy League bound to execute the decrees of Trent, Ia: 6: pr. 3: C: 47. See it in Religion.

That the League called The Solemn League and Covenant, and all that followed thereon, are not obligatory on this Kingdom, to medle or interpose by Arms, or any sedicious way, in any thing concerning the Religion and Government of the Churches of England and Ireland, or his Majestics Government there; and that none require the renewing or swearing, or renew and swear the said League and Covenant, or any other Covenant or Oath concerning the Government of the Church or Kingdom, without his Majestics special warrand and approbation, under all highest perill, Car. 2. p. 1. Seff. 2: C. 2. And appointed be disclaimed and tenounced by the Declaration enjoyned for that effect, isid. c. 5. and Seff. 3: C. 2. Sec Declaration.

LEASING MAKING.

Leasing makers, and Tellers of them, to the ingendering of discord between the King and his people, tine life and goods to the King, Ia. I. p. 2. c. 43. Extended to such as make evil information of the King to his Leiges, as well as to these that make Leasings to the King of his Leiges, Ia. 5. p. 6. c. 83.

Speakers of unreasonable Communing, to the occasioning of Conspiracy against the Irince, or of Sedition, to be punished at the Queens pleasure, and that the hearer make report to the Queen or her Officers. under the lame pain, Q. M. p. 6. c. 60. The Freface of the Ast mentions the sowing of evil brute anent the French then in the Realm.

That all such as privatly or publickly in Sermons, Declamations, or familiar Conserences, utters Slanders, or untrue Speeches, to the reproach of his Majessy, his Council and Proceedings, or to the dishonour or hur of his Highness, his Parents, or Progenitors, or who hear the same and report not with diligence, or who medle in the affairs of his Highness and his estate, present, bygone, and in time coming, be punished as Leasing makers, J. 6. p. 8. c. 134.

That none deprave his Majesties Laws, and Asts of Patliament, or misconstrue his proceedings, to the moving of any missilke betwixt his Highness, and his Subjects, under the pain of Death, Ja. 6. p. 10. c. 10.

And these Asts all Ratified, (except that of Q. M.) with this addition, that Heaters, and not Apprehenders, if in their Power, and Concealers, and not Revealers, be punished as the Principal Offenders, 1s. 6. p. 14. c. 205.

And these Asts extended against the Authors, or Publishers of funderous specificals, under the pain of Death, Ja. 6. p. 10. c. 10.

And these Asts extended against the Authors, or Publishers of funderous species, or writs, of the Estate, People, or Countrey of England, or any Counselected, or writs, of the Estate, People, or Countrey of England, or any Counsellour theteof, tending to the remembrance of ancient grudges, or the hinderance of the then intented union, or whereby harred may be tofte

LENTRON.

That no man unlicensed eat flesh in Lentron, or other forbidden times, under the pain of Confiscation of all their Moveables, and if they have none, that they equisibled in their Persons, Q. M. p. 6. c. 36.

That no man unicensed eat field in Lentron, or other forbidden times, under the pain of Conflictation of all their Moveables, and if they have none, that they be punished in their Persons, Q. M. p. 6. c. 36.

That no man eat seth in Lentron, or on Weddensday, Fryday, and Saturday, under the same pain of escheat, la. 6. p. p. c. 5.

Ratissed and that no Licences be granted in the contrary, without the Testimonial of a Doctor of Medicine, or a Minister, and Twentie possus of composition payed therefore, and that for a Licence to slay, and sell, or to a Cooke to make ready, be payed, An Hundred pounds, is. 6, p. 11. c. 58.

Lentron defined, to be from the fiss of March, inclusive, to the first of May, exclusive, and the former Ads Ratissed: Bur innovating the pains as followes, and that no Lambs, or young Veals, be slain, or eaten under the pain of Tenpounds for the first. Twentie pounds for the second, and Fourty pounds for the third fault: And so the pain to grow as the offence multiplies, and that in each Burgh, searches be appointed, one by the Thesaurer, another by the Burgh, to the Burgh, and that no Licences be granted, without a Testimonial of a Minister, and Doctor of Medicine Apothecary, or Chirurgion, and that it be of no force, unless the Testimonial be produced with it, lam. 6, par. 14. cap. 221.

LEPER-FOLK.

Order enent Leper-folk, Ja. 1. p. 7. c. 106.

LICENCES.

That Licences granted by his Majesty for transporting forbidden gudes, be subscribed by the comptroller, otherwise are of no avail, Jam. 6. par. 10.

That all Licences, and Exemptions, from Raides, and Affifes, or for transporting forbidden gudes, be subscribed by the Thesaurer, and registrat in his Register, otherwayes are null. Js. 6. p. 12. c. 126.

That all Licences for exporting, or importing of forbidden gudes, be granted by the Privy Council, and componed, and past all the Seals, or otherwise they are null. ls. 6. p. 16. c. 15.

LIFE-RENTER, See Conjunct-fier. LINNEN YAIRN, and CLOATH,

That no Linnen Yaim be exported under the pain of Confifcation, half to the King, and half to the Attacher, that Linnen Yaim be fold by weight, and that no Reel be morter then Ten quarters, under the pain of cicheat of the Yaim brought to the Mercat of a morter Reel, to be divided as faid is, that all Linnen Cloath of the price of Ten fine lings the Eln, or above, be made of the breadth of an Eln, and two linches, under the pain of Impulsonment of the Weaver for fourteen dayes, and Twentie pounds be fide to the Judge Ordinary, and the escheat of the Cloath to the Attacher, and that Linnen Cloath be taken up by the Selvedge, and not by the Ridge, and that it be bleeched without Lime, under the pain of Twentie pounds, for each fault, to be payed to the Judge Ordinary, Car. 2, par. 1. Seff. 1.

That all Linnen Cloath brought to Mercat, be made up of peeces, and half peeces, the peece wente four, and the half peece twelve klos, and that it contain not one kln more or less, under pain of Confiscation, and that Linnen be taken up in folds, Car. 2. p. 3. c. 12. The Act contains several other things.

LINT.

That no Green Lint be laid in Loches, or Burns, under the pain of Fourties illings, and confiscation of the Lint, toties quartes, to the Poore of the Pach, and the Kirk Seffions are impowered to Execut the Act, Ia. 6. par. 18.

LITSTER.

That no Litfler be Draper, or a Cloath Merchant, under the pain of escheat, Tam. 2. p. 14. c. 66.

LOCALITY.

All Localities for furnishing and carrying Corn, Straw, Hay, or Gtass, to Souldiers Horses, discharged, as in the Act, Car. 2. p. 3. c. 3.

LOCH-LEVEN.

That none flay Picks, Pearches, Trouts, or any other Fifnes, in the Watters, firipes, or burns that fall into, or run from Lochleven, within the space of five miles thereto, under the pain of Twentie pounds, toties quoties, Declared to appertain to the Earl of Mortoun, and his Son Proprietars of the said Loch, and their Airs, and Successors, and for that end they are impowered by themselves, or their Baillies, to conveen, and try Offenders, within the Town of Kinroschur, and Letters of Horning on Sex dayes, are ordained to be direct on their Sentences, Car. 1. p. 1. c. 29.

LOOSING of ARRESTMENT, Arrestment.

LOW-COUNTRIES. See Confer-

That an Incorporation be made of the Scots, in the Low-Countries, and their Priviledges, ordaining the Scots refiding there, and pretending to the fatds Priviledges, to give their Oath of obedience to the King, and his Laws, as if they were dwelling in Scotland, and that they pay for their entries. Ten pounds Flemish, and the Persons refusers, to be deprived of all Benefit of, or commetce with, his

Highnels Lieges. Ia. 6, p. 6. c. 96.

That no Ship passand to the Low-Countries, land any mans gudes but at Competers, or the ordinary staple, and that no Ferson go on Land, or take any thing out of the ship, until his arival there, under the pain of Ten pounds Flems 1/6, and the Conservator, should take the Merchant, and Skippers Oaths thereanent, Ia. 6

That Metchants coming from the Low-countries, give to the Confervator an accompt of the quantity, and quality, of their gudes; under the pain of Confication thereof, and that a subscribed Cocquet thereof be sent home to the Thesaurer, Ibid. cap. 260.

LYON King of ARMES.

That he hold two Peremptour Courts in the year in Edinburgh, upon the Sexth of May, and Sexth of November, and call Officiars of Armes, and their Cautioners, upon complaints, and try them, and if culpable, that he not only deprive them, but that the Cautioner incurre the pain, whereof a third to the Lyon, and that his Decreets be registrat, and that Letters conform pals thereupon, as efficies, 12.6, p. 11.6.46. See Mellengers.

The Lyon, and his Brethren, the Heraulds, are impowered to visit the whole Armes of Noble, men, and Gentle-men, and to diffinguish them with congruent differences, and matriculat them in their Books, as also to inhibit such to bear Armes, as by the Law of Arms, ought not to bear them, under the pain of eschenating the thing whereupon the saids Arms are found to the King, and of an Hundred pounds to the Lyon and his Brethren, or of Imprisonment, during the Lyons pleasure, that by the advice of the Lords of the Session, he deprive such Officiars of Arms, as he finds unworthie, and take Sovery of the reft, with power to add to their Injunctions, by advise of the saids Lords, that all Magistrats (as required) concurre with the Lyon to execut the Ads in his favours, under the pain of Rebellion, with Certification, that Letters shall be direct against them fimplisiter. 12.6, p. 12.6, 12.5, p. 12.5, p. 12.5, p. 12.5, p. 12.6, p. 1

offer. Ia. 6, p. 12. c. 125,
That the Lyon deliver to the Thesaurer, or his Clerk the Names of the Officiars standing, and of their Cautioners, as also those deprived. Ibid.

Officiars francing, and to their Canadacter.

That the Lyon, and his Clerk, be charged twife a year, to produce their Books of the Soverties of Officiaries of Arms to the Thesaurer, for geting in the half of the penaltics of such as are deprived. Jam. 6. p. 14. c. 209.

As Ratifying the As 1a. 6. p. 13. c. 124. As to the Lyons power of visiting of Arms, & ordering all Arms & signes Armorial, to be produced to him, to bematricular, & ordering all Arms & signes Armorial, to be produced to him, to bematricular, & ordering all Arms & signes Arms, to which to be payed by Prelats, and Noble-men, Tunstie merky, by Knights and Barrons Ten merky, and by every other Person bearing Arms. Five merky, and who uses Armes otherwise, to be lyable in the pains of the said former As, the Lyon, and his Brethren, are likewayes delared sudges. as to the malversation of Messengers, and to have all other Priviledges belonging to their Offices, Car. 2. p. 2. Sess. 3. c. 21.

ADE-WORK. That no Tradssman import made work belonging to his Trade, or vend to fiame, or any such Wate brought home by Merchants, in their Shops. or other-tife, under the pain of Confiscation, half to the King, half to the Apprehender, de Persewer, Car. 2. p. 1. Sess. 1. c. 47. See Crass, and Trade.

MAIRES, See Messingers. MACERS.

That Macers be fwom, to be faithful, and secret, and the price of their labours, Two shillings, Ja. 5. p. 5. cap. 62, and 63. See it in Session.

MALT-MEN.

That all Malt-makers prefent their Malt to the Mercat, and fell none till nine houres, under the pain of elcheat of the Malt, and that they take no more then an Boll of the Beir, for making the chalder of Malt, under the pain of Opprefion,

Is. 4. p. 6. c. 92.

That Malt-makers take only Two shillings more for the Boll of Malt, then the Boll of Beir is sold for, under the pain of eicheat of the Malt, and of Oppression,

Ia. 5. p. 4. cap. 29.

That Malt-men have no Deacons, nor be repute a Craft for ever, Ia. 6. par. z, cap. 29.

Ratified, abrogating an Act of the Town of Edinburgh, Anno 1646, whereby Malt-men, and Brewers were made one of their Trades, and they are discharged all meetings, or correspondence in any Burgh, under the pain of Five Hundred merky the man, totics, quoties, half to the Informers, and what farther Perfonal pains the Privy Council shall please instict, Car. 2. par. 2. Sest. 1.

MAN-RENT.

All Bands of Man rent, or maintenance, alreadie given, declared null, except heretable bands given of before, or given for the Affithmeur of Slaughterin time bygone, and all fuch bands are difcharged for the future, and that all deeds done, or given therefore, return to the Givers, and that the Givers, or Takers of fuch bands in time coming, be punished by wairding. Q. M. pag. 6. cap. 43.

MANSE, and GLEIB.

That no Parson, Vicar, or Other Kirk-man, set in Few, or long Tacks, their Manses, or Gleibs, without the Queens Licence. That the Minister serving the Cure. have the principal Manse of the Parson or Vicar, or so much of it as may staick him, whether the Gleib be set of before, or not, or that a resistant House be built him, by the Parson, or Vicar, or their Fewers, or Tacksmen, and so much Land thereto annexed, as shall be appointed thereafter, Q. M.

men, and so much Land thereto annexed, as shall be appointed therearter, Q. M. P. 9. C. 72.

And for explanation of this Act, it is appointed, that the Parson, or Vicans Manse, most ewest to the Kirk, with four aikers, or so much as there is of the Gleib most ewest to the Manse, shall pertain to the Minister, or Reader serving at the Kirk, to be designed by the Bishop, with advice of two housest men of the Paroch, and that on the Bishops Testimonial, and the parties Bill. Letters be direct on Ten dayes, charging the Possesson to remove, that their Manses, and Gleibes be not annaistried, or set in Few, or Tack, in prejudice of the Successor. That if the Fewer, or Tacksman, have made sumptions Biggings, or be unwilling to remove, then the Bishop agree the matter, by geting the Minister another Manse, as good as the Manse set was the time of the setting, with certain aikers of Land adjacent thereto, or to otherwayes, that the Fewer, or Tacksman, nemove, is not have a deduction of his Maill, and also of his entries Silver, Secundum rasam, Ja. 6, p.3.

tion of his Maill, and also of his entries Silver, Secundary rasam, Ja. 6. p. 3. cap. 48.

These Acts extended to all Abbacies, and Cathedral Kirks, where no other Parson, or Vicars Manse was of before, so that the Minister ferving the Care, isto have a sufficient Manse within the precinct, (or els the Abbot, or sewer is to give him one als ewest, and commodious) together with four aikers of the best, and most commodious Land lying contigue, and most ewest to the Manse, which pertained to the Abbacie, or any Member thereof, Ja. 6. p. 12. cap. 116.

That where of old there hes been no Gleib, or the Gleib less then the four aikers that the designation be made of the Parson, Vicar, Abbot, or Priores Lands, and failzieing thereof, out of the Bishops Lands, Friers Lands, or any other Kirk Lands within the Paroch; And that Gleibs be designed, with freedome of Foggage. Fewel, Faill, Deviot, loaning, free isch, and entry, and other Priviledges according to use and wont Ja. 6 p. 13. cap. 161.

That the Fewers, Possession, and Tacki-men, out of whose Lands as most ewest to the Kirk, Manses and Gleibs are designed, have relets of the other Fewers, Possessors, and Tacki-men, within the same Paroch, pre rata, Jam. 6. p. 14. cap. 199.

Cap. 199.

That where there is no arrable Land adjacent to the Kirk, four fourns grafs of the best, and most commodious Pasturage of Kirk-lands, within the Paroch, be defigned, in manner foresaid, for each of the saids four aikers, Ja. S. P. 13.

figned, in manner forefaid, for each of the faids four aikers, Ja. 6. P. 18.

cap. 7

And as Gleibs are Teind free, Ja. 6: p: 5. c. 62. (in Gleibs,) foare this foums

Grafs, Ja. 6 p: 23. cap: 10. See Gleib.

That all Bishops, and other Ecclessifick Persons, build, and repaire their Manses, and if they suffer them to decay, that their Executors be lyable to their Successions as also that their Successions be oblidged to give larisfaction to their Executors for the expences of separation they shall make, at the fight of two or three Bishops, not exceeding a Thunsand pounds, if they be Prelars, and Five Hundred merk; if they be Interior Ministers, Ja: 6. p. 21 cap: 8.

That where competent Manses are not, the Heretous of the Paroch, at fight of the Bishop, or such ministers as he shall appoint, with two or three discrete men, of the Paroch, build compleat Manses, not exceeding a Thunsand pounds, not under Five Hundred merk; value, and where competent Manses are already, that the Heretours relieve the Minister, or his Executors of the expences of repairing the same, and these things being once done, the Manse to be upheld by the locumbent, during his time, and by the Heretours in time of Vacancy, out of the readiest vacand Stipends, and that Ministers have Fewel, Foggage, Faill, and Divious, according to the Ack, Ja: 6. p: 13. cap: 161. (above) And that Ministers (except Ministers in Burghs, that have no right to Gleibs) have Grafs for one Horse, and two Kye to be designed, and with releif, as above, and if there be no Kirk-land near the Manse, or the same be arrable, that then the Heretours pay the Minister Tuenty pounds yearly for his Grafs, and be releived as said is. That no Incorporat askers in Village, or Town, where the Heretor hath Houses, and Gardens, be designed for Gleibs, and this Act is drawn back to the fourteenth of March 1649. Car: 2. p. 1 Self: 3 cap: 21.

MANUFACTORIE.

Act for erecking of Manufactories, granting several Powers, Immunities, and Priviledges, in their behalf, as in the Act, and particularly that all materials useful for Manufactories, that shall be Imported, be free of Custom. Excise, and other publick dues, and that no Native, or Stranger export any materials useful for Manufactories, until made in work or put to the best avail, under the pain of the value, half to the King, half to the Informer, and Pursuer, and such farther punishment, as the Exchequer shall appoint. Car: 2 p: 1. Self: 1. cap: 40-And Lint seed, Hemp seed, and Steel Imported, are Declared to be exempted from Iublick Dues, as materials useful for Manufactories, conform to the provision contained in the said Act, Car: 2. p: 1. Self: 3. cap: 20.

Act for erecting Companies for prosecuting the saids Manufactories, with several Fowers, and Traviledges, in the Act, and generally with all Priviledges granted, or that shall be granted, to the Societies of Fishers, Car: 2. p. 1. Self: 1. c. 4. 2. p. 1. Self: 1. c. 4. 2. p. 1. Self: 3. cap: 16. See it in Foor.

Ratification of all Acts for encouraging of Manusactories, as in the Act, Specially, the Act Car: 2. p. 1. Self: 1. cap: 43. (See it in Linner) and Car 1. p: 1. Self: 1. cap: 46. (See it in forbidden Goods) Car: 2. p: 3. cap: 12.

MARRIAGE.

That who Marries two Wives. or two Husbands, both living, undivorced, be punished as perjured, by escheat of moveables, wairding year, and day, and Infamy, Q: M: p: 5. cap. 19:

That Marriage be as free as Gods word allowes, and that feconds in degrees of onlanguinity, and Affinity, and all out with those contained in Gods word, night have Married lawfully fince the eight of March 1558. And may do so in

Confanguinity, and Affinity, and all out with those contained in Gods word, might have Martied lawfully fince the eight of March 1553. And may do so it mime coming, Iam: 6. p. 1. cap: 15.

The Man or wife wilfullie diverting, by the space of four years, may be cited and sentenced to adhere, and theteon charged, and denounced, and after Privy Admonitions direct by the Bishop, the Minister of the Partoch by the Bishops order shall admonish him publickly, and proceed to Excommunication, in which Case, the Parties obstinate shall be an sufficient cause of divorce, and the Offender shall tine the Tocher, or Donation, propter Nuprius, Iam.6, p. 4. c. 55.

That who ever Marties in a Clandestine, unorderly way, or by Persons not suthorized by the Kitk, shall be impusioned for three Moneths, and beside shall pay, the Nobleman an Thoussand pounds, the Gentleman and Burgess Five Hundredpounds, and each other Person a Hundred merks, and that they remain in Prifon, while they pay, and the Fines to be applied to pious uses of the Paroch where they dwell, that the Calebrator be Banished, not to return under the pain of Death, that none of the Parties where both reside in Scotland, get themselves Martied in England, or Ireland, without Proclamation of bannes in Scotland, and against the order of this Kirk, under the pains, a Noble-man, a Thoussand pounds, a Landed Gentle-man a Thoussand merks, a Burgess, Five Hundred pounds, and each Infection Person a Hundred merks, half to the King, half to the Paroch and that the King, or Kirks Advocat person the Landed Gentle-man a deach other substances are unable to pay, be punished with Stocks, and Irons, and all without prejudice of the Kirk censures. Car. 2. p. 1. Sess. 1. cap. 34.

It is farther Statut, that who Marries any Person not lawfully Ordained, or Auhorized thereto He, and She amit their jus Mariti. and just Relida, Car. 2. p. 2. Sess. The expences of Marriages regulat, Car. 2. p. 3. cap. 14.

Seff. 3. cap. 9.
The expences of Marriages regulat, Car. 2. p. 3. cap. 14.

MARRIAGE Cafuality.

That in Service of Airs holding Lands waird, Tax, or Few, cum Maritagio, the Inquest retour the Taxt, for the Marriage, and of the Few cum Maritagio, that it may be insert in the Frecept, Car. 2. p. 2, Sess. 3. cap. 14

SHIRE of Meirns.

That the Court place thereof, be removed from Kincardin, to Stonehyue, Ja. 6.

p. 16. cap. 27.
Ratified, and that the faid Burgh of Stonebyve, and Mercat Crofs thereof, be the head Burgh, and place of all Executions. and Publications, within the Shire, Ja. 6. p. 19. cap. 7.

MERCAT, See Burghs, Cocquet, Lowcountries, and Ships.

Towns, and Paroches, which had Mercats on the Sabbath, which are now pro-hibit may choise any other day in the Weeke for holding the same, if it be not the the Mercat day of the next Town, Ja. 6. p. 12. cap. 122. That no Royal Burgh keep Mercat on Mounday, or Saturday, under the pain of an Hundred merky, but that they change the same to other dayes, But Fleshers in these Burghs, may keep Flesh-mercats on these dayes, Car. 2. p. 1. Sess. 3.

MERCHANT.

That no Merchant pass over the Sea in Merchandice, unless he have of his own or under his Government, at least three Serplaiths, or Two Hundred Twenty four Stone of Wool, or the value, under the pain of Ten passad; and this to be tried by ane laquest. Ja. 1, p. 2, cap. 13. Ja 2, p. 14. cap 67. or having in his own half, a Last of Gudes, or so much in Steerage, and Governance, Ja. 3, p. 2, cap. 13, and p. 14. cap. 26. Ja. 4, p. 2. cap. 14. and Ja. 5, p. 4. cap. 24. In which last the pain is made Twenty possads, and the Execution very strick.

That Sailers in Merchandice, be Free-men, ladwellers of Burghs, Ja. 2, p. 14. cap. 67. This Ad is said to be made by the Clergy, and Barrons, and the same is struct Ja. 3, p. 2, cap. 11. and par. 14, cap 106.

That no Man of Craft use not sail in Merchandice, unless he renounce his Craft, Ja. 3, p. 2, cap. 12. under the pain of Escheat of the Merchandice, Ja. 3, P. 14 cap. 107. See Ships.

That no gudes be sent to the Swyn, or Sluife, the Dam, or Bruges, Iam. 3, p. 2, cap. 16. But that Merchants saile to Rechel, Bourdeaux, France, and Normandie, and that staple gudes remain in staple, and pass to no Mercat under the pain of Five possads, Ibid cap. 17.

That no Ship be fraughted, or Merchant saile therein, withgudes to Flanders, but wise in the year, that is to say, to Pasch Mercat, and Rude Mercat, under the pain of Twentie possads to the King, Ia 5, p. 4, c. 31.

That now the passads to the King, Ia 5, p. 4, c. 31.

That now the passads to the King, Ia 5, p. 4, c. 31.

That covery Merchant tailing with, or seading forth a last of gudes, bring home two Hagbuts, or Mettal for making the same, according to his pack, with Powder, and Calmes, Ia, 5, p. 7, c. 95.

That no un-freeman use Trafficque, specially in the Low-countries, under the

That every Merchant failing with, or fending forth a last of gudes, oring nome two Hagburs, or Mettal for making the fame, according to his pack, with Powder, and Calmes, la. 5, p. 7, c. 95.

That no un-freeman use Trafficque, specially in the Low-countries, under the pain of eschear of all their moveables, two thirds, to the King, and a third to the Conservator, la. 6, p. 6, c. 97. and p. 19, c. 6. (See it in Barghs.)

That all Merchants, and Skippers, at the receiving of their Cocquets, swear, that they have no forbidden gudes, nor other lawful gudes, except what is in their Cocquets, nor shall take in other gudes all that voyage, otherwayes the Ship, and Gudes, at least the gudes of the Refuser to swear, shall be Arrested, and Conflicat, la. 6, p. 15, c. 257. See Lew-countries.

That Merchants imploy not Allens as Fastors beyond Seas, Car. 2, par. 1. Sess. 1. cap. 44. See Fastor.

Act regulating Trade, and Merchandice, betwixt the Royal Burghs, and others, Car. 2, p. 2, Sess. 3, c. 5. See it in Burghs.

MESS, See Papist, and Religion.

That none fay, hear, or be prefent at Mess, under the pain of Confiscation of all their gudes moveable, and immoveable, and their Persons to be in will, for the first fault, Banishment for the second, and death for the third, and that all ludges be diligent to apprehend the Contraveeners, la. 6, p. 1, c. 5.

That all Sayers, and Hearets of Mess, and Prosances of the Sacraments, incurrent the tinsell of simple, and Life-tentescheat, la. 6, p. 11, c. 24.

The Saying of Mess, infersthe crime, and pain of Treason, lam. 6 par. 12.

The Saying of Meis for the first fault, infers the simple escheat, for the second, the Lite-rent escheat, and for the third the pain of Treason, and Fore-faultour, Jam. 6 p. 13. c. 120.

That all willful Heaters of Meis, and Concealers of the same, be execut to the death, and their gudes escheat, they being therefore, found guilty, or declared fugitive, before the Justice, or Privy Conneil, Ja. 6. p. 14. c. 193.

Ratified Iam. 6. par. 19. cap. 1. and all this Ads Ratified, and Extended, to all Hearers, and Sayers of Mess, without any exception, or restriction, Jam. 6.

Parliament, Car. 2. p. 1. Sefl. 1. c. 8.

MESSENGER, or Officiar of Arms, See

That Mairs, or Serjands in Royalty, Regality, and Butrowes, have wands, and Horns, in manner fee down in the Act. 1s. 1. p. 6. c. 100.

That Maires of fee Name Deputes, to be admitted by the Sheriff, and that the Sheriffs chuse Maire, where needful, and that in Summonds, and Attachments, the Maire shall only shew his I recept, and Warrand, lam. 1. par. 9. cap. 112.

That there be only two Hundred Officiars of Arms in all Scotland, bearand, and wearand our foveraign Lords Arms, in which number, the Lyon, and his Brethren the Heraulds, seventeen in all, are included, and the rest to be divided amongst the Shires, by the proportions set down in the Act. And if the Lyon admit any more, that he not only incurre the Kings Indignation, but the lessens admitted, to be rejected, and their Executions to be null, that the Officiars to be continued, and so in all time coming have the Lyons Testimonial and Decent Bluzons in Silver, and that they find gude Soverry, to keep their injunctions, undestine pain of Five Merky, and to pay the Costs, and Skaiths of Farties, lam. 6.

11. C. 46. See Lyon.

That the Officiars Soverry be bound, that he shall be furnished with a sufficient and readic Horse, and for all the damage, and interest of Farties: That the Officiars of Arms convict of Falshood, or Oppression, in Execution of their Officiars of Arms convict of Falshood, or Oppression, in Execution of their Officiars of Arms convict of Falshood, or Oppression, in Execution of their Officiars of Arms convict of Falshood, or Oppression, in Execution of their Officiars of Arms convict of Falshood, or Oppression, in Execution of their Officiars of Arms convict of Falshood, or Oppression, in Execution of their Officiars of Arms convict of Falshood, or Oppression, in Execution of their Officiars of Arms convict of Falshood, or Oppression, in Execution of their Officiars of Arms convict of Falshood, or Oppression, in Execution of their Officiars of Arms convict of Falshood, or Oppression, in Execution of their Officiars of Arms convicted

That Office, be punished to the desth, livid, c. 83.

That Officiars of Arms, tenes their Soverties when dead, or become infolvent, under the pain of deprivation, lam. 6. p. 1 4. c. 208.

METTS, MEASURES, and WEIGHTS

That a Stone be made for weighing of fifteen Trou pounds, & divided in fexteen Seasy pounds. and that accordingly the half Stone, Quarter, Pound, and other lefs Weights, be made, and only used. Ia. 1. p. 3. c. 37. And this Act renewed, and the Trou pound, to contain sexteen ounces, Ia. 1. p. 4. c. 69. Ia. 4. p. 3. c. 33.

lets Weights, be made, and only uled. 1a.1. p. 3. c. 57. And this Act renewed, and the Trow pound, to contain fexteen ounces, la. 1. p. 4. c. 65. la. 4. p. 3. c. 33. and Ia. 5. p. 7. c. 114.

That the Watter Mets that now are be observed, and in each Town a swom metiter appoynted for all gudes sellable by the Watter Met, als well Coals, or Others, and that the Seller nor none else medle with the Metting, la. 1. p. 3. c. 58.

That the Ell contain thirtie seven linches, la. 1. p. 4. c. 68.

That the Soll be divided in four Fislots, and contain twentie nine linches within the Boords, and above twentie seven and an half linch, even over and within the Boords sexteen linches, and in deepness nine linches. that the Fislot contain two Gallons, and a Pint, and the Pint to weigh of the Water of Tay source one conces, or two pounds nine ounces, so the Gallon weighs twentie pounds, eight ounces, the Fislot fourtie one pounds, and the Boll eight score sour pounds, and these sinds time, lam. 1. p. 4. c. 70.

That a general Met be observed according to the Pint somerly given to the Burgh of Sterling, for an universal Standart, whereof each Fislot to contain eighteen Fints, and of this Pint, Quart, and Fislot, three Standarts to be made, and given to Abserdeen, Persh, and Edinburgh, appointed to be steeds for the rest of the Realm, and that none tife another Measure, under the pain of the double of the Chamberlanea unlaw, but prejudice to Matters as to their Measures of their Ferms, to be proportioned after this new Measure, la. a. p. 14. c. 73.

That there is a company of the Measures and Weights be indyted as Falser. Is m. A. 22. d. That there of the Measures and Weights be indyted as Falser. Is m. A. 22. d. That there of the Measures and Weights be indyted as Falser. Is m. A. 22. d. That there of the Measures and Weights be indyted as Falser. Is m. A. 22. d. That there of the measures and Weights be indyted as Falser. Is m. A. 22. d. That there of the measures and Weights be indyted as Falser. Is m. A. 22. d. That there of

and Ia. 4. p. 3. c. 33.

That users of false Measures and Weights be induted as Falses, Iam. 4. par. 4.

That all Measures and Weights, Pint, Peck, Ell, and Stone, be of one quantity, to be ordained in Ediabarga, and that old Mets be proportionat thereto, and if any use another Measure or Weight, that it be a point of dittay, Jam. 4, par. 6.

than the Stone be fexteen pounds, and the pound fexteen ounces Trois, the First of Sterling, two pounds, and nine ounces Trois, of clear water, the Ell of Edinburgh thirtie feven Inches, and the Firlot of Limitage un nineteen Firsts, and and incat, for Meafuring Wheat, Rye, Beans, Meal, and white Salt, in the Mercat by the straik, as also Malt, Bear, and Oats, sinule to be measured by the heap.) But at the rate of two Feeks for three in lieu of the heap found to be a third, and these statements of the council, and by the Council ordained to be infert in the Books of Farliament, and that I rovests, and Baillies of Burrows of Royalty, Regality, and Batrony, cause the same to be observed, under the pains contained in the Ass of Farliament, la. 6, p. 11, C. 114.

Ia. 6. p. 11. c. 114.

That all Sheriffs, Stewarts, and Magistrats of Burrows put the saids Asts to Execution, with power to them to take triall of tals Mets, Weights, and Measures, and the users thereof, to amit their whole gudes, to the king, la. 6.

Measures, and the users thereof, to amit their whole gudes, to the King, 1a. 6. p. 19. c. 2.

Ack Ratif, ing the Commission 1617. Anent Mets, and Measures, with the Sentences, and Determination, goven thereon. (See the Determination, whereby the former Measures, and Determination, goven thereon. (See the Determination, whereby the former Measures, and Firlot of Limitingow from the Measure, and Firlot of Limitingow from the Pitlot for all his Majersies, to buy and sell with, ia. 6, p. 23, c. 16.

The foresaid Determination finding the Limitingow Standart of the Firlot, to be true, and to contain twentie and Pints, and a Mutchkin Sterling, that three straiked for two heaped Measures, doe exceed and are not just, and that therefore there should be a new Firlot for Malt, Bear, and Oats in place of the heap, containing thittie one Pints Sterling Jug, that the Weight be the French Tron Stone, containing sexteen Trols ounces, discharging the old Trone Weight for ever, that the Ell contain thirtie seven Inches, and that the First weigh three pounds seven ounces. Troy of the running water, of the water of Letths, and that the Standarts be keept, two Firlots by Limitingow, the Stone weight by Lanera, the Ell by Edinburgh, and the Fint by Sterling, as of old, and that these be the universal Measures, See it after, James Sexth, Parl. 22, it is dated 19, February, 1618.

A new Commission for adjusting Measures, and Weights, and reducing them to an uniformity, and that Limitingow Measures be the Universal Measure, Car. 2, p. 1. Self. 1, c. 38.

an uniformity, and that the Self. 1.c. 38.

That the Coal Measure for payment of Custom, and Bullion, be the Chalder of Custosis. Cat. 2, p. 1. Self 3, c. 17.

That the foot Measure be of Twelve of these Inches, whereof the Ell contains thirtie seven, and that the Standart of it be made and keeps by Edinburgh, and that all Wrights. Glasses, Masons, and other Work-men work by this Measure allanestly, that c. 18.

MILITIA, See Hoft, and Weapon-Jhawing.

MILITIA, See Host, and Weapon-shawing.

Humble offer to his Majesty of Twenty Thousand Foot, and Two Thousand Hosses, Armed, and furnished with Fourty dayes provision, proportioned upon the Shires, sin the Act, to be in readines as step shall be called for by his Majesty, to march to any part of his Dominions, against Forraign Invasion, or Intestine insurcedion, for for any other Service wherein his Majesties Honour, Authority, or Great. ness, may be concerned, intreating his Majesty to nominat the Officiars, to Rute-matters inclusive, and to give direction to the Council for the rest whom the Farliament Impowers for the Ordering, and managing of this whole Affair, under his Majesty and the Parliament declares, that if his Majesty have farther use, this Kingdom will be all ready, betwirt Sexty and Sexteen, to hazard Lives, and Fortunes, at his Majesties call, for preservation of his Person, and Authority, Cat. 2. p. 1. Sess. 3. c3p. 26.

Act Ratifying the Constitution and Model of the Militia, as established by the King, and Council, on the ground of the foresaid Act, particularly their appointing dayes of Rendezvous, allowance to Foot, and Horse-men, the saids dayes, and the whole Acts, and proceedings relating thereto, and Sex histings for each Foot-man, and Eighteen shillings, tor each Horse-man, is ordained for every day of the Rendezvous, as also the appointment of Commissas of the Militia, is approven, and several Powers are committed to them, and the order of poinding store deficiency is particularly regulat, and the Lords of Privy Council, are Impowered to appoint dayes of Rendezvous, and to give all orders requisite, for the full establishing of the Militia, Cat. 2. p. 2. Sess. 1. c. 2.

That all Persons enrolled, and imployed in the Militia, be thereto initielic referved and exempt from other levies, during that service, that the Officiars be well affected to Religion, and the Government of the Church as now established, and chat they, and Banishment, that the Officiars stend punchally, and none of th

MILNES, and Multers.

That no Multers be taken of Flour, coming forth of other Lands, to Sea ports, or coming to Mercats, Ia. 4. p. 4. cap. 44.

That Breakers of Milnes, be punished to the death, as Theivs, Iam. 6. p. 11.

MINES, of Gold, and Silver,

Mines of Gold and Silver, belong to the King, if three half pennies of Silver may be fined out of the pound of Lead, Iam. 1.p. 1. cap. 12.

MINISTERS, and Readers, See Kirks, and Manses.

That the thirds of all Benefices be payed to the Ministers, and they being payed of their stipends out thereof, the superplus to be applied to the Kingsuse, Jam. 6. p. 1. cap. 10. See Thirds of Benefices.

That all Benefices not exceeding three hundred merks of yearly Rent, be disponed to qualified Ministers, Iam. 6. p. 3. cap. 52.

That Ministers should subscribe the Confession of Faith, Iam. 6. par. 3. cap. 46. See it in Confession of Faith.

That were Payed, or hounds compensate to be a Payed, have their own Ministers and the superplace of the

That all Benefices not exceeding three hundred merks of yearly Rent, be dilponed to qualified Minifters, Iam. 6, p. 3, c. 3, 5, 2.

That Minifters should subscribe the Confession of Faith, Iam. 6, pat. 3, cap. 46. See it in Confession of Faith.

Thatevery Paroch, or bounds competent to be a Paroch, have their own Minister, with a sufficient Stipend as the place may bear, and that Kirks annexed to Prelacies, be provided of Ministers with competent livings, Iam. 6, p.7, c. 100. See Dilapidation.

That all Benefices of Cure, under Prelacies, be presented by the King, and laick Patrons, in favours of able Ministers, and all Gifts, otherwise made, are declared null, Ibid. cap. 102. And all Gifts, and Dispositions theteof, since his Highness Coronation, not made to Persons in the sunction of the Ministry, are declared null, from the beginning, excepting Benefices disponed to Lords of Session, and which are laick Patronages, they being provided to qualified Persons, conform to the A& of Parliament thereanent, (which appears to be, Iam. 6, p. 11, c. 32, here subspired lam. 6, p. 12, c. 121.

That all Ministers, or Others having Benefices under Prelacies, suspended culpable of Heresic. Papistrie, Exoneous Dockrine, common Blasphemie. Fornication, common Drinkenness, none residence, (that is to say not residing within the Paroch, but absent therefra, and from the Kirk, and his Office, for four Sabbaths in the year, without leave of his Ordinary) Plurality of Benefices have gure, simonle, and Delapidation, being sound guilty by the Bishop of the Diocy, of the Kings Commissioners in Ecclesiastick Causes, shall be deprived, from both Office, and Benefice, that in the case of Plurality of Benefices, the acceptation of the last, be sufficient cause of Deprivation from the remanent, and a Minister being convict of a Capital Crime, and therefore also orderly deprived, his Benefices, the acceptance of the last, be sufficient cause of Deprivation from the remanent, and a Minister being convict of a Capital Crime, and therefore al

That all Ministers wait faithfully on their Charges, and that none of them accept. or use any place of Judicatory, Civil, or Criminal, or be Clerks, or Notars. (except in making of Testaments,) under the pain of Deprivation, from both Office, and Benefice, Ia. 6. p. 8. cap. 133.

That Benefices under Prelacies, whereunto Readers or Ministers actually serving are provided, be free of the fifth years Fruits, and of the Fifth pennie, Jam. 6.

They who invades, or puts violent hands in any Minister, shall be punished by Tinsel of moveables, for the violence allanerly, the one half to the King, the other to the Farry offended, and that Letters be thereon direct, at the instance of the Minister, the King, or Kirks Advocat, or any Other Person. Jam. 6. pat. 11. c. 27.

Ratified, and extended against all who invade, or put violent hands, or offer violence to Ministers, by themselves, their men, Tennents, or Servants, or any other

of their hunding out, or allowance, for whatfoever eause; Or siclike to Archbishops. Bishops, and Ministers whatfoever, having lawful warrand to preach, and Minister the Sacraments, and that Land-lords, Heretors, and Cheif of Clanns, where the Invaders dwell, or haunt, be holden upon complaint of the Party, to exhibit them, and if after legal Intimation made to the said Land-lords, &c. The saids Delinquents be sound within their bounds, haunting openly forten dayes, that they be holden as Connivers, and oblidged to exhibit them, under the like punishment, Car. I. par. I. cap. 7, and both these Acts Ratified, Car. 2, p. 2. Sess. II. cap. 5.

All Parsons, and Vicars, provided since King 7ames the Sexth his Cosmation, and not having vote in Parliament, Council. and Session, deprived by the Kink ab Officio, are secluded, also a Beneficio and the samen vaiks, but prejudice of Tacks lawfully set by them of before, la. 6, p. 12. c. 115.

That Ministers, and Readers, pay no Teinds sorthelr Gleibs, Jam. 6, p. 5, cap. 62, See Gleibs.

62. See Gleibs.

That there Stipends be free from all Tacks, Pensions, Taxations, or Impositions whatsoever, notwithstanding of any Gift, or Disposition in the contrary, Ia. 6.

That all Gifts, and Provisions made to Ministers serving the Cure of Parsonages, and Vicarages, and Kirks thereof, be to them, valide, and sufficient Titles; notwithstanding of any A& or Constitution in the contrary, but prejudice to the rights of privat Parties, and of the Queens Kirks of Dumfermling, Ibid.

p. 163. And it is declared, that any Act of Parliament made hereafter, in favours of y particular Person, in prejudice of Ministers provisions, shall be null, except the Ministers be called, and the same reduced in haill or in part before the Judge

Ordinary. Ibid. cap. 165.

That all Ministers at the receiving of their Assignations, give up a true and particular accompt, how much they have of the Temporality disponed to them. Ja. 6.

Ordinary. Ibid. cap. 165.

That all Ministers at the receiving of their Assignations, give up a true and particular accompt, how much they have of the Temporality disponed to them, [2.6. p. 15. cap. 244.

That Ministers at their Admission, swear the Oath of allegiance, and obedience to their Ordinary, in all things lawful, Jam. 6. p. 21. cap. 1.

A Minister absent without just Cause from the Bishops Visitation, or Diocessa Assignation of Diocessa Were aujustly abolished, are declared to have no right to Benesice, Stipend, Manse, or Gleib for this year, 1662. or heterafter, but their Kirks to be vacand, unless they be duly presented and Collated betwixt and the 24. of September next, Car. 2. pat. 1. Sest. 2. c. 3, Anno 1662.

That Ministers keep and observe the Bishops Visitation and Diocessa Assignation of Suspension of the fish of Privy Council as Session, and concurs with the Bishop (as required) for the exercise of Discipline, under the pain of Suspension for the first, and Deprivation for the second salt from both Office and Benesice, Car. 2. p. 1. Sest. 2. c. 4.

And both these Ads Ratified: And that Ministers who continue in the exercise of their Ministry in contempt thereof, be punished by the Privy Council as sedicious persons, and contemners of the Royal Authority, ibid. Sest. 3. c. 1.

Ministers poynding for their Stipends, need not carry the Goods to Mercat Crosses, but may Comprisse them by honest and swom men on the Ground where the Goods are, Car. 2. p. 1. Sest. 3. c. 21.

Act Ratifying two Proclamations of Council charging Heretors and others having real interest, to secure the Persons, Families and Goods of their Ministers, in their Houses, and elsewhere within the Paroch, from all injuries and assignation and interest at the Councils slight: And that until his Majesty in his next Parliament give farthet Orders therein: And but prejudice of former Acts against Invaders of Ministers, Car. 2. p. 2. Sest

MINORS. See Curators and Tutors.

The priviledges of Minors, as to Comprissings and Adjudications. See in their

That no Oaths be exacted of Minors for Confirmation of any of their deeds and where they are exacted, that the Contract be void, and the Exactor infamous, and any person related to the Minor may obtain the Writ to be declared void, Cat. 2. p. 3. c. 19.

MOLESTATION.

MOLE STATION.

That all Actions of Molestation confishing in the Possesson, be remitted to the Sherist, Baillie, or other judge ordinary where the Lands ly, and that Letters of Cognition be direct to them at the instance of Parties for that effect. That the judge ordinary proceed upon Precepts on fifteen dayes, and the Continuations to be from eight dayes to eight dayes, and no longer. And first, that Desences be discussed in the place of judgement, and then the points to be proven by Winesto be put to the knowledge of a condign Inquest, of a sufficient number, most part Landed men, having at least four Floughs, or three bundred merk, yearly irredeemable, and the rest substantial four Floughs, or three bundred merk, yearly irredeemable, and take all other tryal, and shall return their answer in face of Judgement, and in case of errour may be punished panatemere jurantisms super Afflic, there he Reconvention in the case before Litticontestation, the Judge shall proceed in both Actions pari passes, and hall remit the matters of Fact hims inde to the knowledge of the Assiss, where the Causes cannot be divided: And either half of the Assis to be taken of the persons summoned by either Party, and chalf of the Assis to be taken of the persons summoned by either Party, and the odd man to be chosen by Cavill. It the judge ordinary be alledged suspect, or unable, aster calling the other Farty, and cognition taken, the Lords shall appoint unsuringed Judges by their Act, or under the Quarter Seal, who shall make faith, and have their recompence modified by the Lords and payed before the giving our of their Decrete by the obtainer of the Commission, to be repayed by the other Party, if it be found quad temere litigaverit: And where the Lands controverted by in several jurisdictions, the Lords shall grant Commission as said is. And this Actis delared to be without prejudice to the Members of the Colledge of Justice to pursue their Actions as formerly, la: 6: p: 11: c: 42.

MONEY. See Bullion, Gold, and Silver, and Payment.

That the King gar mend his money to the same weight, and sineness, as in England, Ia. 1. p. 1. c. 23.

That no man have money out of the Realm, but he pay fourty pennies per pound of Custome, under the pain of tinsel of the money, and an unlaw of ten pounds to

the King, 1a. 1. p. 3. c. 49.

That none have out of Scotland Gold, Silver, or Jewels. Cuinzied or uncuinzied, under the pain of eicheat. Ja. 1. p. 13. c. 149. The one half to the King, the
other to the Apprehender, Ja. 2. p. 8. c. 34.

That Searchets be made It ill Ports, and on the Borders, for to reftrain the having out of money. And that false Strikers of Gold or Silver, or of false Groats or Pennles, be punished as Law will: And that none strike any in time coming, without licence under the Great Seal, 1s: 2. p. 6. c. 28. and 1s. 3. p. 8. c. 65.

That money be not had out of the Realm, under the pain of ten pounds, and the value of what is exported. But Clerks are herefore made accomptable to their Ordinaries, as Seculars are to the King, 1s. 3. p. 1. c. 8.
Ratified, 1s. 3. p. 4. c. 24.

That no Stranget Merchant have money out of the Realm, under the pain of elcheating of the money, and of his other goods, 1s. 4. p. 4. c. 41. And that Seatchers be appointed, and to have the fourth of the money found for their pains: and this to be point of Dittay, 1s. 4. p. 6. c. 69.
And all these Acts aneut the having forth of money, Ratified, 1s. 5. p. 7c. 108. and Q. M. P. 9. c. 69. with this Addition, that the contraveeners shall escheat all their moveables, the fourth part to the discoverer; and if he be a Partner in the money, to be not only free of the pain, but to have the forefaid reward. And this Act to endure for five years, isind. Q. M. p. 9. c. 69.

Act Ratifying all former Acts against the Transporters of money, Ja. 6. par. 15. csp. 249.

AR Ratifying all former Acts against the Transporters of Money, passed passed.

A most strick Act against the transporting of money, appointing Merchants, Skippers, Customers, and keepers of the Cocquets to sweat before the Thesaurer, or his Deputes, not to export, nor fuffer the same to be exported, nor to conceal the exporting thereof - and that no Merchant or Skipper Trade, or make Voyage to any forraign place before they take the said Oath, and produce Extracts thereupon, under the pain of the fifth of their Moveables, and being uncapable of Merchandizing or Saling any Ship: And there is only allowed to Passengers say pounds for their charges, and all Licences are discharged, except to such as shall make faith or give Bond that the money is to be bellowed for Timber in Norway, or for Victual in time of extream dearth, and that they shall return the Superplus, Catt 2: pt 1: Self: 3:00:11.

the victorial interior extream dearth, and that they that return the juperpine, at 2:p; 1: Self: 3:c: 11,

The advisement of the three Estates touching the matter of money, and a new toyn of Silver and Gold then to be stricken: That the Master of the money and a tricken under him, while the Warden have taken estey thereof, and at it in his Buist: And that he may choose Servants under him to strike, and may mish them if they trespass. And that strickers (if possible) be no Gold-Smiths,

punifit them if they trespais. And the Cuinzie, that the Lords of Exchequer examine the finencis of the Coyn presented them in a Buist by the Warden, Ja: 2: p:

amine the menests of the Coyn presented them in a Built by the waters, js. 2. p. 13; cap: 58.

Order for Cuinzieing of Copper money four to the penny, and that there be Cuinzied 300. pounds containand Silver, Ja: 3: p: 1: 6: 9.

An Ordinance crying up the money, and that no Black Pennies be stricken in time coming, under pain of death, Ja: 3: p: 3: c. 18. Another Ordinance to the same purpose, Ja: 3: p: 4: 6: 22.

Athird Ordinance theresnesh, made by the Lords of the three Estates depute

A third Ordinance thereanent, made by the Lords of the three Estates depute thereto, Ibid: c: 24.

That no Black Money but the Kings own be taken in payment, and that no man bring home strange Black Money, or counterfeit the Kings money, under the pain of death, Ja: 3: p: 5: c: 41.

Another order about the money, Ja: 3: p: 6: c: 47.

That no Silver or Gold Cuinzied be burnt down either by Cuinzeours or Gold-Smiths without the Kings licence, but that it be holden whole to pass among the Leiges, Ja. 3. p. 8. c. 66. And that under the pain of escheat of half of the move-ables for the first, and of the whole moveables for the section of the section of the move-ables for the first, and of the whole moveables for the section of the secti

for thirty of the laids Groats, Ja. 3. par. 13. c. 93. Ja. 4. par. 1. c. a.

Placks cryed down, and the King declares he will receive them in, and give a
fourteen pennie Groat for seven of them, Ja. 3. p. 13: c: 97.

That Gold or Silver money, of good mettal, & just weight pass, and be received,
albeit with crack & flaw, or folded, Ja. 4. p: 2. c. 17. Ratified, under the pain, to the
Refuser, of losing the value, Ja. 4. p: 3. c. 37. p. 4. c. 40. and p. 6. c. 97. And that
false money be clipped and broken by the Kings Officiars, and so delivered back
to the Owners, Ibid: Ja: 4: p: 4: c: 40.

That the King appoint an expert man master of the money, for soliding the Acts
made anent Money and Bullion, Ja. 4. p. 5. c. 56.

That nothing be taken for Wisselling of Gold, under the pain of oppression:
And that no man wrong Gold of its weight, under the pain of falsing of money,
Ja: 5. p. 7. c. 99.

That nothing be taken for Wilfelling of Gold, under the pain of oppression: And that no man wrong Gold of its weight, under the pain of falling of money, la: 5. p. 7. c. 99.

Ratification of all Acts against the home-bringers of false Cuinzie, or forgers thereof within the Realm, and the revealer ordained to have the half of the efcheat of the Contraveners Lands and Goods, Q. M. p. 9. c. 70.

That the King may caule Cuinzie Gold and Silver at such fineness as other Countreys do, and that no Layed Money be Cuinzied without consent of Parliament, la. 6. p. 1. c. 17.

That in every Burgh able men be appointed by the Magistrats to see all money told, and to clip false money, and the payer to lose it, and the receiver to pay to the Clipper a penny per pennd, bid: c. 19.

Act anent the change of Cuinzie then made, wherein the quantity of the Cuinzie then struck is said to extend to two hundred and eleven stone and ten pound weight of Silver: And the new Chinzie is appointed to be of eleven penny fine, at fourty sullings the ounce. la. 6. p. 7. c. 106.

Anno 1581.

Act asifying all former Acts against the raisers of the price of money, to the transporters thereof; and ordaining the ounce of Silver Cuinzied at eleven penny fine to stand at shiry billings, and the ounce of Gold of twenty two Carretts sine, to share course, la. 6. p. 15. c. 249.

MUM-BEER.

Mum-beer licenced to be imported, and that it be lyable, each Barrel not exceeding twelve Gallons, in thirty faillings of Custome, and as much for Excife, Car. 2. p. 2. Seff. 4. c. 2.

MUIR-BURN.

That no man make Muit-burn after the first of March till all Corns be storn, under the paln of Feartie shilling to the Lord of the Land of the burner, or if he have it not, fourtie daies Impirionment and if the Lord neglech, then this to be a point of Dittay, 1s. 1, par. 1. cap. 20.

That no Muir-burn be made fra the first of March till Mehaelmes, under the pain

five Found. Ja. 3. par. 10. cap. 76. That the Commander of Muir-burn to be made pay fourtie failling to the King,

befide the pain of the maker, Ja. 4. par. 4. cap. 48.

That the un-law of Muir-burn be five pound, la. 4 par. 6. cap. 71.

The pain augmented, and that for the first time it be five pounds, for the seconten, and for the third Twenty pounds, and so forth for each time Twenty pounds. Ja. 5. par. 4. cap. 11. Ratified. Ja. 6. par. 6. cap. 84.

MUSICK.

That the youth be infruded in Musick, and that Magistrats of Burghs, and Patrons, and Provosts of Colledges, where Song-schooles are founded, setup Schools with Masters, as they will answer on the perrill of their Foundations, Ja. 6, par. 6.

MUTILATION. See DEMEMBRA-TION

Mutilation rekoned with flaughter, and fire-raifing, la. 5. p. 7. cap. 1 18. and la.6. par. 6. cap. 76.

TATURALIZATION.

Act naturalizing all French men. Q: M: pc. 8: cap: 63. See it in France.

Act Naturalizing all Strangers of the Irotestant Religion, who having

Estates., shall bring the same, and come and dwell in this Kingdom, or

who shall set up new Works and Manusachuries, and come and settle therein, promising them upon Petition to his Majesty the free exercise of their Religion in

their own Language, providing alwayes that the benefit of this Act be granted and

applyed at the Councils sight, Car. 2, p. 2, Sess. 1. c. 7.

NAVIGATION.

Act for the encouragement of Shipping and Navigation, ordaing all Goods-to be imported after a day yet blank in the Act, from the original and proper places whence they are in use first to be transported, and in Scots Ships, or in Ships belonging to these places, under the pain of Consistation of Ship and Goods. That all Goods Shipped as said is, not imported by Ships of this Countrey, be lyable in double Custome. That all Goods belonging to Aliens, in whatsoever Vessels. imported or exported; as also, all Goods whatsoever exported in Forraign Vessels, be lyable to double Customs. That Scots Ships be Navigated only by a Scots Master, and at least three parts Scots-men: And the Act contains an order for verifying a Ship to be a Scots Ship, and geting Certificat thereupon: And that no Customer allow the benefit of a ScotsSkipper to any Ship, untill the same be so verified, under the pain of deprivation: But this Act extends not to import from Assa. Africa, or America, or from Masse and Italy, untill it shall be so declared by Act of Parliament, Privy Council, or Council of Trade, nor to the import of Corns from any place, in any Ship in time of dearth, declared to be such by Act of Council, Car. 2, p. 1. Sell. 1. c. 44.

NOTARS.

That Notars in time coming be made by the King, and not by the Emperour, and that Notars in made be examined by their Ordinaries the Bishops, and have their Certificats, Ia. 3. p. 5. c. 31.

That the Bishops and Ordinaries examine all Notars, and punish the infufficient, and fend the fufficient to the King to be made Regal, Ia. 4. p. 6. c. 64.

That the Sheriffs examine all Notars Laicks, and the Ordinaries all Notars Spiritual within their bounds, and cause them book their Signes, and admit them by, an Act, otherwayes their Instruments to make no faith, Is. 5. p. 6. c. 76.

That all Inferiour Judges present their Clerks and Notars to the Lords to be examined, without prejudice to the saids Judges to change as oft as they please, shid, cap. 78.

amined, without prejudice to the faids Judges to change as oft as they pleafe, shid. cap. 78.

That all Inftruments be taken in the hands of the Notar of the Court, and if the Party will have another Notar, that the other pass within the Batt, and Instruments be taken in both their hands, and that the two Notars be Witnesses on others, otherwise the Instruments to make no faith: That the Notar of Court refuse instruments to none, under the pain of Deptivation, and to be punished in his person and goods, Ia. 5, p. 6, c. 81.

Addition to the foresaid Ast, Ia. 5, p. 6, c. 78. And that all Notars be sent in to the Lords of Selsion betwixt and a certain day, to be by them admitted, and if any not admitted use the Office of Notary, that their Instruments make no faith, and themselves be punished as falsers, Q. M. p. 5, c. 24.

That the Lords of Selsion may charge Notars to compear as said is, bringing with them their Protocals to be marked and numbeted, but the saids. Protocals, not to be seen or read, but delivered back without inspection. That all Notars be admitted by the Lords, and that they design in their instruments the Witnesses they require, by their dwelling, or some evident token (See Winnesses) that false Notars, and Notars not admitted as faid is, and the causers of their salshoods, be punished by scheat of moveables, curting off of their right hands, and banishntent; and farther by the tinsell of their life, if the cause for require, at the differention of the ludge, Q. M. p. 6, c. 42.

The day appointed for commencing of this salst Ast protoget to the first of March 1162.

And the Ast thencesorth Ratified, Q. M. p. 6, c. 42.

That all Notars be made by the Queens Letters, and thereafter examined and admitted by the Lords of Seffion, who should take their Oaths, and Registrat their right Signs, and who does in the contrairy, in making Notars, or using the Office, to be punished by death, and their Instruments to be null, bid. c. 79.

Act suspending the Admission of any more Notars for five years, and that none be admitted thereafter but such as understand congruous Laune, and have served a Lord of the Session. Writer, or Clerk, the space of seven years, and shall repose their Testimonial thereof to the Lords of Session, who by themselves, or some of the Clerks to the Signet, shall take full proof of them, by soming some Evident. That the Bands and Acts of Cautioners for Notars be extended to their Airs, and that their Cautioners be obliged in time coming that their Protocalls within fifteen dayes after their decease shall be brought into the Clerk Register, or his Deputes, upon satisfaction to be made to his Relick, Baims, or Executors therefore, at sight of the Lords of Session, and the fail Protocalls ro be made fortherming thereafter to all concerned, on their reasonable expences, Iam. 6. par.

Buthalass and all hours of

coming thereafter to all concerned, on their seasons of the concerned of t

NULLITY.

That all Nullities be received by way of exception or reply, and that all Writs, or things null of the Law, be declared so by way of exception, or reply, in the same instance, allowing alwayes such time to call Warrands, as if the Nullity had been persewed by way of Action, Q. M. p. 6. c. 42.

BLIVION, See Indemnity.

Act of Oblivion, Q. M. p. 9. c. 67.
neral Act of Oblivion, containing feveral Exceptions, Car. 2. par. 1. Seff. 2.

OFFICIARS, See Judges.

OFFICIARS of ARMS, See Mefsengers.

OFFICIARS of the CROWN.

Ordinary Officiars of the Crown reckoned, the Thefaurer, Secretary, Collector, the Justice, Justice Clerk, Advocat, Master of Requests, Register, Director of the Chancellary, and Director of the Rols, Ia. 6. p. 11. c. 31. The Act is the Kings Revecation, from which their fees, and pensions are excepted.

ORCHYEARDS.

Breaking of Orchyeards a point of Dittay, Ia. 1. p. 2. c. 33, See it in Theift, and the Afts there following.

PLANTING of ORCHYEARDS, See Planting.

ORDINATION.

That none prefume to ordain Ministers, but such as are authorized thereto by Law, and that none take Ordination from any other, declaring all Ordinations since the year 1661, or hereafter, otherwise made to be null, and the persons ordained to be no Ministers, and that both the pretended Ordainers, and ordained, be season by the ordinary Magistrats, and presented to the Council, who are impowered to punish them, by Confiscation, Banishment, or perpetual Imprisonment, unless zeleased by warrand under his Majestles hand, Car. 2. p. 2. Seff. 3. c. 9.

ORKNEY, and ZETLAND.

Orkney, and Zetland annexed to the Crown, Car. 2. p.2. Seff. 1 . cap. 13. See it in

The Oath that the Conservator should require of all Merchants and Skippers, Ja. 6. p. 15. c. 257. See it in Conservator.
Oaths of Minors discharged, Car. 2. p. 3. c. 19. See it in Minors.

OATH of Allegiance, and Subscription to the Prerogative,

That all Officiars of State, Members of Privy Council, Sellion, or Exchequer Juftice General, Admiral, Sheriffs, Commissaries, and their Deputes, and Clerks, and all Magistrats, and Councils of Burghs, shall at their Admission to their Offices, and before they exerce the same, take, and swear, the Oath of Allegiance, and also after under their hand, his Majesties Prerogative, in manner set down in the Act, as also that all Persons required by the Privy Council, or any having power from them, shall be oblidged to swear the said Oath, certifying that who resules the said Oath, shall not only be incapable of publick Trust, but also looked upon as disaffected to his Majesties Government, and such as shall refuse to after the Prerogative, shall from theace forth be uncapable of publick Trust, Car. 2, p. 1. Sell. 1. c. 11.

How the Oath of Allegiance is to be administrat to, and taken by Members of Patliament, See Car. 2, p. 1. Sell. 1. c. 2p. 1. in Parliament.

OVER-LORD, See Superior.

OXEN, See Horfe.

DACKING, and PEILING, See Burghs.

PAINS, and Penal Statuts.

That pecunial pains be taken up in Gold, and Silver, at the avail of the money when the Acts were made, or els augmented in the money now current, and so of Compositions, Ia. 6. p. 11. cap. 76.

That the Lords of Session, grant no suspension upon unlawes of liquid sums charged for by the Thesaurer, without Consignation, or good Soverty, Iam. 6. p.

The pains of Law-burrows, not reporting of Letters to the Justice Clerk, and not compearance before the Justice after Soverty found, for Earl, or Lord, Two Then Jand pound; great Barron. a Thou Jand pound; Freeholder, a Thou Jand pound; a Freeholder, a Thou Jand merky, a Fewer Five Hundred merky, a Gentleman un-landed. Two bundred merky, a Yeoman a Hundred merky, each Petion Summoned on an Affile be-

fore the Justices, An Hundred merks, and for each Person Arrested and not compearand the first Justice Air, Twentie pounds, Jam. 6. p. 13. cap. 166.

That all Pecunial pains, and unlawes, contained in the Laws of the Realm, before the first of March, 1542. be augmented ten fold, that is an shilling, or pound, toten shillings, orten pounds, and so forth, la. 6. p. 15. c. 267.

Pardon of penal statutes for bygones, lam 6. p. 21. cap. 9. Anno 1612. the like 18. 6. p. 23. c. 23. the like Car. 1. p. 1. cap. 27. the like Car. 2. p. 1. Self. 1. cap. 27. and the like Car. 2. p. 1. Self. 1. cap. 29. most of those Acts contain a few Exceptions of certain Crimes.

PAPIST, See Mefs, and Religion.

That all suspect to be Papists be wairned by the Bishop, and Ministers, to recant and give Confession of their Faith, according to the approved form, under the pain of Excomunication. And if they failzie, that they be Excomunicat, that a Roll be made, and Printed. of the Persons obstinant, or relapse, who shall be infamous, and incapable to sir, or stand in Judgement. petsew, or bear Office, or to be witness, or Assistance, against these of the true-Religion: neither can they make Deputes, nor grant Procutations, and an Exception being hereupon proponed, and verified, by the said Roll, if repelled, and Instruments thereon taken, shall be an sufficient ground of Suspension, Jam. 6, p. 3, c. 45.

That none the Superstitious, Papistical rites, lam. 6, par. 7, cap. 104. See it in Pilgrimages.

That none use Superstitious, Papistical rites, lam. 6. par. 7. cap. 104. See it in Pilgrimages.

Papilis required by Presbytnes to satisfie the Kirk, and not compearand, or refusand, should be charged to produce the Presbyteries Testimonial, by the Privy Council, and in case of salizie denounced, whereby their escheat, both simple, and Life-rent vaicks, and who thereafter refets them, incurr the same pain, and the Presbyterie, or any Minister thereof negligent, tipes the half of his Scipend, for that year, 1 am. 6. p. 14. c. 194.

That Papists be presented, that they may be prosecut according to Law, and that Children under Popish Parents, Tutors, or Curators, be taken from them, and committed to the Education of some well affected, and Religious Friend, at the fight, and be the order of the Privy Council, Car. 2. par. 1. Sess. 12.

PARENTS.

That what Sone, or Daughter, above the age of Sexteen years, not being difiracted. Mall bear, or curfe Father, or Mother, shall be put to death, without Mercie. And if they be under Sexteen, but past pupillarity, that they be punished at the Judges arbitrement, Car. 2. p. 1. Sessi 1. csp. 20.

PARICIDE.

Who flayes his Father, or Mother, Guddir, or Guddame, He, and all his pofterity, fail in linea rella be difficilted from their Heretages for ever, and the next Collateral, fall fucceed therein, la. 6. p. 14. c. 220.

PARKS. See Forrests.

The Priviledges of the Kings Parks , See Ism. 6, par. 14. cap. 210 in King.

PARLIAMEN T.

That Breakers of Acts of Parliament, be punished as they ordain, Jam. 1. p. 2.

That all Prolets, Earls, Barrons, and Free-holders, seeing they are holden to give presence in Parliaments, and General Councils, from themseforth, compett in Person, and not by a Procuratour, unless the Procurator alledge a lawful cause of absence, lam. 1. p. 3. c. 52.

The she A Soot his, and the two preceeding Parliaments, be Registrat, and

give prefence in Parliaments, and General Countars, stoch under a lawful caule of absence, lam. 1. p. 3. c. 52.

That the Adsorthis, and the two preceeding Parliaments, be Registrat, and Extracts given to the Sheriffs, who are to publish them, and also to give Extracts to Prelats, Barrons, and Burrows, on the Demanders expences, under pain of Deprivation, Iam. 1. p. 3. cap. 67. That Sheriffs, Commissioners of Burrows, and Barrons, get Coppies of the Ads of Parliament, and gar proclaim them, and the King is prayed to be diligent to Execut them, Jam. 2. pat: 14, cap. \$9. That the Clerk Register cause Imprint such Ads of Parliament as concern the Common wealth, and that he chule the Printer, providing the said Printer have also the Kings Licence, and that none unlicenced presume to Print them, for Sex years, under the pain of Consistant of the Books, la. 5. p. 7. c. 127.

That the Adsoff Parliament be Imprinted, lam. 6. p. 1. cap. 32. the Ads relates to this Parliament only.

That the Laws of Regiam Majosatem, and other Laws be Imprinted by the them Clerk Register Skens, lam: 6: p: 19. the 31. of the unprinted Adss.

The old unlaw of unexcussed absence from the Parliament, Ten pounds, Iam. 1. in the Titles of the Parliaments 6, 7, and 8.

That all to be chosen in any Parliament hereafter, for deciding of causes, and complaints, swear to doe the same faithfully, and lawfully, according to their skill, lam: 1: p: 6: cap: \$3.

That all to be cholen in any Parliament hereafter. for deciding of causes, and complaints, swear to doe the same faithfully, and lawfully, according to their skill, lam: 1: p: 6: cap: 3:

Small Bartons, or Free-holders, need not come to Parliaments, or general Councils, but of each Shire there may be sent two, or more, as it is of largness, out-tane Clackmannan, and Kinross. (of either of which ane) chosen at the head Court, and these Commissioners, shall chuse an wife man, to be the common Speaker of the Parliament. to propone all needs, and causes, pertaining to the Commons. And thir Commissioners shall have power of the refluinder the Sheriss Seal, and the Seal of diverse Bartons, to hear, treat, and shall have cottage off their Configuents, and their Rents, each pounds another fellow, all Bishops, Abbots, Priors, Dukes, Earls, Lords of Parliament, and Bantents, which the King will have summoned by his special precept. (here the Asts stops impersestly, but I think it wants the words (are excepted,) lam. 1, p. 7, c. 101.

That no Free-holder, holding under Twenty pounds, be constrained to come to Parliament, or general Council as to presence, unless he be a Barton, or specially waimed by writ, Iam. 2, p. 14, cap. 75.

That no Free-holder within an bundred merky, of the extent that now is, be compelled to come Personally to Parliament, if he send his Procurator for him, unless he be specially called by the Kings writ, but all above this extent should come, lam. 4, p. 6, c. 78, Anne 1503.

As Ratifying the Ast, Ia. 1, p. 6, c. 101. (above) about the Commissioners of small Barrons, to have vote in Parliament, ordaning them to be Elected yearly, by the Free-holders, (which by the preface of the Ast should be under the degree of Lords of Parliament, having a sourcy spilling Land, and Actually residing within the Shire) at the first head Court, after Michaelmess, or when the said Free-holders please, or the King shall require them. And that their Names be notifed by the Commissioners of the preceeding year, to the

his Majesties missive shall be direct to certain of them, before Parliaments, as to the Burrows, and that Letters be direct yearly by the Lords of Session, at the inflance of the Commissioners, for conveening and taxing the Free-holders for their expences, Jam. 6. p. 11. cap. 113.

That these Commissioners be not admitted, unless they bring sufficient Commissions granted to them, in a full Convention of the Barrons of the Shire, sub-feribed by a great number of the Barrons present, and by the Clerk of the Couvention. and the Clerk Register is discharged to receive any Commission not in due form, la. 6. p. 15. C. 272.

feribed by a great number of the Batrons present, and by the Clerk of the Couvention. and the Clerk Register is discharged to receive any Commission not in due form. Ja. 6. p. 15. c. 272.

Act for clearing Elections from Shires, that beside such as hold a Famile billing Land of the King in capite, all Heretors, Life-renters, and Wodsetters, holding of the King, and others who held formerly of Bishops, (the Bishops were not at this time restored) and Abbors, and now hold of the King, having yearly ten Chalder of Vistual. or an Thousand pounds, (Few-dewices deduced) shall be, and are capable, to cleck, & be elected, to Parliaments, Noble-men, & their Vassels excepted. That every such Chommissioners have five pounds, per diem, including the first klast dayes of the Parliament, and eight dayes for coming, and as many for going, from, and to the farthest shires of Castsmess, and Susbersand, and proportionally at nearer distance, and that the whole Free-holders, Heretors, and Life-rentes, holding of the King, or Prince, bear the said burden, excepting Noble-men, and their Vassels, and that upon an Attestation under the Clerk Registers hand of the dayes of the Parliament, this allowance be raised as the Excise, by Horning. Poinding, and Quartering, that the saids Commissioners be in like manner releived, and payed of the prices of the Foot-mantels, the Foot-mantels being made forth coming to the Shire, at the tising of the Parliament, Cas. 2. p. 1. Self. 1.

and payed of the prices of the Foor-mantels, the Foot-mantels being made forth coming to the Shire, at the rifing of the Parliament, Car. 2, p. 1. Self. 1. cap. 35.

Act concerning the Election of Commissioners for Shires to Parliaments, or Conventions, declating such only capable, to vote, and elect, who have in property, or superiority, and are in possession of a Fewerie shilling Land of old extent, holden of the King, or Prince, or where the extent appears not, then Lands worth Fowr Hundred powards of valued Reint, whether Kirk-lands, or others holden of his Majesty, as King or Prince, and also clearly determining all other questions, who have right to vote, and who not, and how the Rols of the Free-holders should be made, the meetings proceed, and objections be proponed, and discussed to the Commissioners Charges, and Foot-mantels, according to their Valuations, except Vassasion Sholdenmen, or Bishops, or Lands-holden Burgage, Car. 2, p. 3, cap. 21.

That no man interpret the Kings Statutes otherwise then they bear, and to the intent as the maker understood them, under the pain to be punished at the Kings will, Jam. 1, p. 7, cap. 108.

The manner of Arrayments for the Parliament, and for fore-Speakers for the cost that speak for meed, and that each Burgh where the Parliaments sits, make Seiges for their fixing, under the pain of Ten pounds, Jam. 2, p. 11. cap. 47. Ratified, and that the King make the Paterns of the said Arrayments, Jam. 2, par. 14. cap. 68. See Appare.

Patliaments needs not be continued from day to day, but continue of themselvs, sy and while they be dissolved by the King, Jam. 3, p. 5, cap. 39.

The Free-tennents of the principality, give sure, and presence, in Parliaments, ay and while they be dissolved by the King, Jam. 3, p. 5, cap. 39.

The Free-tennents of the principality, give sure, and presence, in Parliaments, ay and while they be dissolved by the King, Jam. 3, p. 5, cap. 39.

ments, ay and white the Many a. cap. 16.
Act annulling all Acts of Parliament already made contrary to Gods wortl, Ia. 6.

Act annuing a second of the Acts of Parliament at the Mercat-croce of Estinatory, be fufficient Publication to all the Lieges, who are declared to be afficient to the obedience of the faids Acts, fourtie dayes after the faid Publication, Iam. 6. Par. 7. Cap. 128.

That none impugn the Dignity and Authority of the three Effaces of Parliament, or feek to procure the innovation or diminution of the Power and Authority of the fame three Effaces, or any of them, under the pain of Trea

That no person take upon him the place of mote of the Estates of Parliament then one, to wit, that wherein he profess himself to live, and whereof he takes his stile, Ia. 6. p. 11. c. 33.

The un-law of absents from the Parliament, not excused by the Lords of the Articles, of the Earl three hundred pounds, of the Lord raw hundred pounds, of the Frelat ab hundred pounds, and of every Burgh an hundred merks; and that he who rides not be repute absent, and that Letters be hereupon directed, Ibid. 210.34.

Articles, of the Earl three hundred pounds, of the Lord rwo hundred pounds, of the Prelat ah hundred pounds, and of every Burgh an hundred merke; and that he who fides not be repute ablent, and that Letters be hereupon directed, lbid. \$49,34.

Ratified, and the un-law of ablence for a Commissioner of Barons ordained to each hundred pounds, and that no excuse be admitted, except attested by his Majests or his Commissioner, or in their ablence by the Lord Chancellor and Council, and the Cettificat judicially produced the first day of the Parliament. That any Lord of Parliament so excused, may give his power to another of the same three, who shall be admitted to reason and vote for him, ia 6. p. 22. c. 7.

Heraulds, Maissen, or Trumpetters absent from the Parliament, or present and not doing dury, tine a years Fee for the first fault, and for the second may be deprived, ia. 6. p. 11. c. 35.

That each State wear the Appasel to be appointed by the King, under the pain of rww hundred pounds, and to be debarred torth of the Parliament, ibid. c. 38.

That the number of the Lords of Articles be equal in each State, and the fewelt of each State six, and the most ten, ibid. c. 37.

That all persons accussed for Treason or other Crimes, may have their Advocats, who may freely plead for them, anoulling all Acts in the contrary, ibid. c: 38.

Decisions in Parliament upon Cognition of the Cause, may not be called in question by any Inferiour judge, ibid. c. 39.

That the above-written Order of Parliament be inviolably observed, and the King promises to do nothing directly nor indirectly in prejudice of free voting and reasoning therein, ibid. c: 40.

That on Ratification be past in Parliament upon composition payed to the Thesaurer, ibid. c. 73.

That there be no quarrel not trouble made in Parliament for Priority of place, otherwise then by Supplications, and that all content themselves with the direction of his Highness and the Estates, under the pain of being punished by the King and the Lords of the Articles, as dissurbe

A& Salvo Jurz, declaring that no privat A& past in that Parliament shall prejudge his Majesty as to the A&sof Revocation ament the Superiorities of Ere&ions, aneat Regalities of Ere&ions, and aneut his Majesties annexed Property, nor yet any other third party of their lawful Rights and Defences, but the Parties are to be judged according to the right standing in their Fersons, before the making of the saids particular A&s. And this is declared to be the true meaning of all A&s Salvo Jurz. There are some exceptions made in this A&, Car. 1. p. 1. c. 31.

That the LordChancellor for the time, or in his absence he who shall be nominate by the King hath right to Freide in all Parliaments, and other Publick Indicatories where they shall happen to be present; and that at the first down-sitting of Parliament they administrate all its Members the Oath of Allegiance, and Oath of Parliament, as in the A&: And all A&s as to the President, or Oath of Parliaments contrary hereumo, are Rescanded, Car. 2: p. 1: Sessi 1: c. 1.

The Parliaments and Committee after the Engagement, 1648. Rescanded, Car. 2. p. 1. Sessi 1: c. 9.

The Parliaments and Commines

The Parliaments, 1640, 3641, 44, 45, 46, 47, and 48. Refeinded, ibid. c.

The Parliaments, 1640, 3641, 44, 45, 46, 47, and 48. Refeinded, ibid. c.

15. See Refeisfory,

Act Salve Jure, Ibid.cap.63. The like, ibid. Seff. 2: c: 11. The like Act, but excepting the Ratification of the Duke and Dutches of Buccleuch, their Contract of Marriage paft in that Seffion of Parliament, Ibid. Seff. 3: c. 30. The like, Car. 2: p.

2. Seff. 1: c. 21. The like, Ibid: Seff: 2: c: 10. The like, ibid. Seff: 3: c: 23, And the like, excepting from it the twenty fourth Act of this Farliament concerning publick Debts, Car. 2: p. 3. c. 28.

Act concerning the election and conflitution of the Lords of the Articles, where the Clergy choole eight of the Nobility, the Nobility eight of the Clergy and these fixteen elected, or such of them 2s present, eight Barons, and eight Burgesses, to whom his Majesties Commissioner ads the Officers of State, and the Lord Chancellor to Preside: Which Lords of Articles are to prepate Laws, Acts, and Overtures, and order all things remitted to them by the Parliament, Ca. 2, p. 1. Seff. 3. c. 1.

Act discharging voting by Billets, Car. 2. p. 1. Seff. 3. The Act is, Act Re-

PASSE.

That no man break the Kings fafe Conduct, under the pain of death, Ia. 3. p.

PASSING FORTH OF THE REALM.

That Clerks or Laicks palling forth of the Realm, make their Exchange of monew with Exchangers within the Countrey, and that Clerks fignifie this and their
going to the Chancellor, and Laicks to the Chambetlain, under the pain of rempromate to the King, la. 1. p. 6. c. 54.

That no man Spiritual or Temporal pais forth of the Realm without licence, or
being abroad, do any thing against their licence: And that they have out no money, under the pain of Profcription and Rebellion, and to be demeaned as Traitors. The AC proceeds upon a Freface of abuses committed at the Court of Rome,

h. p. 6. 51.

erfons going out of the Kingdom for farther knowledge of Letters, have slicence, and in what terms. See 12, 6, 9, 6, c. 71. In Religion. Acts a-Youth going abroad. See it in Youth.

PATRON.

That Patrons present a qualified person within six moneths after they have know-edge of the Vacancy to the Superintendent. or Commissioner of the Kirk, other-wise the Kirk may dispone upon the Benefice, in case the Patron and Superinten-dent differ, the Appeal to be made to the Superintendent, and Minusters of that Province, and from them to the General Allembly, who decide finally in the

tovince, and the same of Provoftries, Prebendaries, Alterages, and Chaplainties may That Patrons of Provoftries, Prebendaries, Alterages, and they are requested to Burfars in Colledges at their pleasures, and they are requested

prefere the fame 1a.6. p. 1.c. 12.

Amply Ratified, and the King with advice of the Effates exptelly declares, that it was never his mind to prejudge the faids Patrons, as to the faids Benefices, but that the Burfars and Titulars thereto provided, may fully and freely bruik the fame, conform to the old Foundations, notwithstanding any application made thereof the time of Popery, or any disposition made thereon by his Majesty. 1a.6.

P. 12.6.18.

thereof the time of Popery, or any disposition made thereon by his Majetty. Ia. 6. p. 12. c. 158.

Both Ratified: And it is farther declared, that the entry of the Vassals of the faids Benefices shall belong to the faids Fatrons, as Superiors, in place of the Titulars, without necessity of the Titulars or any others consent; referving alwayes to the Titulars the Fruits and Profites of the faid Benefices: And where Burghs and their Magistrats were before Patrons, they are now also declared to be Superiors, Car. 2. p. 1. Sess. 1. c. 54.

That Laick Patrons have right to the Fruits of their Benefices vasking, infinuat by Act 1a. 6, p. 8. c. 137. p. 12. c. 114. and p. 13. c. 172.

Laick Patrons Infest in the right of Patronage cannot be burt by any long possession of any Ecclesiatick Person gening the possession, and pretending right to the Benefice while the Lands were Wodser: But the Laick Patron redeeming, feturas to his right of Presentation, 1a. 6. p. 17. c. 61.

A sentence of deprivation being intimat to the Fatron, he must present within fix moneths, otherwise his right for that time devolves to the Presbytery, 1a. 6. p. 12. cap. 115.

A fentence of deprivation being intimat to the Patron, he must present within fix moneths, otherwise his right for that time devolves to the Presbytery, Ia. 6. p. 12. cap. 115.

All infeftments granted, or to be granted by his Majesty, containing the Gift of any Patronage which pertained before to him, and whereof the Titular is alive, and not consenting to the Gift, the samine is declared unliby way of exception or reply, as to the said Patronage, unless the Beneficed Persons consent shall be there-after obtained, Ia. 6. p. 13. c. 172.

No Beneficed man under a Prelate may set longer Tacks of Teinds, or others belonging to his Benefice, without consent of the Patron, then for the space of three years, Ia. 6. p. 14. g. 200. See Benefice.

A person being provided by the King or his Donator to a Benefice, at his Majesties presentation, by reason of the soresaulton of the Patron; and the person presented having obtained Letters conform, and being in peaceable possession, his Right and Title stand good, notwithstanding of the retirution of the Patron forefaulted, or the reduction of his storefaultour, but prejuding to the Patron of his right upon the next vacation, Ia. 6. p. 20. c. 12.

That Patrons may lawfully take Tacks, or Conditions of Tacks, from Intrants, with Reservation to the Kirk of a sufficient maintenance, Jam. 6. p. 21. cap. 1. (See Simonie) and the same is again declared without prejudice of the Minusters maintenance modified, or to be modified, Car. 2. p. 1. Sell. 1. cap. 9. The Act is, Assupproving the Engagement, 1643. &cc.

Laick Patronages pertaining to subjects before the year 1561, fall within the Compass of the general Submission, and his Majesties Determination thereon, in for aras concerns a competent maintenance to the Minister: the Teinds of other mens Lands, and his Majesties Annuity, and the pemanent Teinds thereof, pertain to laick Patrons, in pitce, or rate. in all cales where they were in possession thereof, seven years within the fifteen years. Immediatly preceding the faid Submissi

bents any farther right to the Teinds, then they had before the making of this Act, Car, 2, par. 1. Seff. 1. cap, 9.

That all Patrons of Kirks, or Benefices of Cure, be careful to present pious, Loyal, learned, and peaceable men, who shall take, and subscribe the Oath of Allegiance before a judge Ordinary, before the granting, and their accepting the presentation, otherwise if a Person that hath not taken the Oath, shall be presented, the presentation shall not only be void, but the right thereof as to that Vacancy shall belong to the King, and the Patron be repute disfasted to his Majchies Government, and a Contempor of his Authority, Car. 2. par. 1. Seff. 1.

PAYMENT. See Money.

Order for payments on the then change of money, and that Wodfets upon the noney running at that time, be out quit by the fame, or by the avail, lam. 2. p. 8.

cap. 36.

That Debts be payed of the fame fums in fubstance, as it was intended betwirk the Patries, before the Act crying up the money, and that usual money of Scotiand in all bygone Contracts, be understood as the money went before it was cried up, lam. 3. p. 3. cap. 19, and pat. 8. cap. 69.

The King being prayed, grants, that if he cried down the money, yet payments shall be made at the present avail, la. 3. p. 3. cap. 21.

That of black, or Copper money, there be taken in payment, Twelve penils only in the pound, lam. 3. pat. 4. cap. 22.

Augmented to Two shillings per pound, Bid. cap. 24.

PEACE, See Feede.

That Peace be keept, and holden through the Realme, and that no man move eir against another, under the pain of Law, Iam. 1. p. 1. c. 2,

That the King make Peace and unity, among his great Lords, , and that they, and the Justices make unity among smaller Persons, Jam. 3 p. 13. cap. 92.

That the King for Peace, make all Patries, and Persons, to be at freindship, and concord, and punish the Party obstinatly refusing, Jam. 4, par. 2. Cap. 8.

PECK to the Boll.

That in Bargains for Victual, no eek, or addition, of any quantity be made, except upon payment for the same price, as is conditioned for the first Boll, and that ander the pain of fourties billing; to be payed by the Receiver, for every Boll otherwise received, (beside the price) the half to the King, the other half to the Delator, Jam. 6. par. 23. cap. 17.

PEDAGOGUE, See Touth.

That Pedagogues fent by Noblemen, and Others, with their Sons out of the Countrey, have the Bishops Testimonial of his Religion, and Learning, under the pains, to the Earl of Five Thousand pounds, to the Lord of Five Thousand pounds, and to the Barron of Three Thousand merky, and to the Barron of Three Thousand merky, Jam. 6.p. 20 cap. 1.

That none be admitted Fedagogues without Licence of the Ordinary, Car. 2.

That none be admitted recagogues without alreade of the Columny;
p. 1. Sef. 2. cap. 4.

That Pedagogues take the Teft, Cal. 2. par. 3. cap. 6. See it in Teft.

PENSION.

That no pension be purchased of any Benefice without consent of the Possessions. 3. p. 1. cap. 4.

He who pretends tight to any Pension purchased after the date of this Ast, should produce the principal Gift, and the same being improven, or reduced, any Ratisfication, Confirmation, Decreet, or Letters thereupon fall in Consequentiam,

Inn. 6. pa. 11. cap. 6.2.

Adt Ratifying the Clause in the Act of Annexations, 1587. about Pension that all Pensions our of Prelacies. whether Spirituality, or Temporality the not authorized by decreet, or Possession in the Prelats life, and before the Annexation, be null, and of none avail, Jam. 6. p. 12. cap. 137.

PERAMBULATION.

That in Petambulations, the Perfons of inquest be honest, substantious men, Heretours within the Shire, if they may be had, or four halfs about, or four hext Shires, that best knows the meiths of the Lands, unless the breives be proven by a bounding evident, or Authentick writ, lam. 6. p. 6. cap. 79.

PESTILENCE.

That Houses be closed up the time of the Pessilence, or if the Inhabitants be nowilling to be closed up, that they be put out of Towns, and that no man burn, (that is single for cleansing) an others House, but gif it may be done without his Nighbours skaith, 12. 2 p. 13. cap. 57.

PEWTER.

That Pewterers put the mark, and his own Name upon his work, And that it be of the finest marked with the Rose in England, under the pain of escheat thereof, and further punishment by the Magistrats; and for this end that there be Sey-massers appointed, and that Fewterers take betwist the pound of old Tin, or I ew ter marked with the Rose as said is, and the pound of new casten by them. Two spillings allanessie, under the pains foresaid, Car. 2. p. 1. Sess. 3. cap. 2.

That broken Fewter be not exported, Car. 2. p. 1. Sess. 4.9. See in forbidden guide.

ngudes.

PILGRIMAGE.

That none go in Filgirmage to Kirks, Chapels, Crosses, or the like, keep Saints dayes, sing Carrales, or observe any other Superstitious Papissical rite, under the pain of an Hundred pounds the Landed man, an Hundred merk; the unlanded man, and favrite pounds the Yeaman, and the offender not responsal; to be Imprisoned for the first fault, and for the second that the offenders be punished by Death, as Idolaters, Ja, 6. p. 7. cap. 104.

PLANTATION of Kirks.

Commission for Flantation of Kirks. the meanest Stipend, where the fruits of the Benefice may atoord it, Five Hundred merks, or Five Coalder of Vidual, the highest an Thousand merks, or Ten Chalder, and power given to recompence Patrons. Tacksimen, and Sub-tacksimen, by Tacks, Prorogations, and otherwise, as the Commissioness shall think fit. Declaring that where this Commissioness shall take effect by Decreet, the persons having right to the Teinds shall not be farther quarelled, and this Commission to endure, until the first of August 1618. Ja. 6

quareited, and this Committee to the part 21, 22, 29, 3. Anno. 1617.

Another Commission for Plantation of Kirks, almost in the same terms,

pinted to begin the tenth of January, 1622, and to endure for year, and day, Ja. 6.

pointed to begin the tenth of yanuary, 1622, and to endute for year, and day, 33.6. p. 23. cap. 5.

At Ratifying the Act of Commission of Surrenders, twentie sexth of yans, 1627, finding eight Chalder of Victual, or Proportional in Silver, and Victual, to be the lowest maintenance for any Kirk, except particular reasons occur. Which are by this Act referred to be considered by the Commissioners for Plantation. &c. And all Acts, and Decreets of Modification, already made by the said Commission, are Ratified, and Letters ordained to be direct thereon, Car, 1. p. 1. cap. 8.

Commission for Valuation of Teinds, and Plantation of Kirks, Car. 1. p. 1. c. 19.

cap. 15.

PLANTING and POLICY.

PLANTING and POLICY.

That Free-holders cause their Tennents, plant Woods, Trees, and Hedges, and sow Broom, in convenient places, is. 2. p. 14. c. 80.

For Planting, and Policy. That every Lord, and Laird, make Parks, with Deere, Stanks, Cunningairs, Dowcats, Orchyeatds, and Hedges, and plant at least an Aiker of Wood, 13. 4. p. 6. c. 74.

Ratified, And that every man having an bundred pound. Land of new Extent, where there is no Wood, plant Wood, and make Hedges, and Haining, extending to three Aikers, less of more, effeitand to his Heretage, and that they cause their Tennents plant for every merk Land, a Tree, under the pain of ten pounds to be payed by each Laird that failzies, and the King may give Commission to execut this Adt, 14. 5. p. 4. c. 10.

Acts against peeling, barking, and destroying of Wood: See in Thieste, and Wood, specially the Act, 1a. 6. p. 19. c. 3. in Theste.

Which provides particularly, and amply, for the prefervation of Flanting, Inclosures, and all manner of Policy.

Act Ratifying the Act 1a. 1. p. 4. c. p. Entituded, An Adt for Planting of Woods, Forrests, and Orchards, (but there is no such Act, but the Act meaned must be, 1s. 2. p. 14. c. 80. To sow Broom, and make Hedges. Or la. 4. p. 6. c. 74. That Hedges, and Farks, &c. be made.) And all other Acts for that effect: And fast-thet, That every Hentetor. Liferenter, or Woodscent worth a then sand pound of valued Rent. Inclose yearly for ten years nextensuing, sour aikers of Ground, and plant the same with Oak, &c other Trees, at three Tards distance; and other Heretors of greater to less tentaccordingly, and that they uphold the same, and they my at the same with Oak, &c other Trees, at three Tards distance; and other Heretors of greater to less tentaccordingly, and that they uphold the same, and other here to greate to less tentaccordingly, and that they uphold the same, and other here to greate to less tents whole Ground. And where there are Liferenters, that the charges of their planting eeked to the reversion: And that, proper

PLAYES.

Act discharging the Playes, and Personages of Robin Hood, Little John, Ab-

PLEDGES. See High-lands.

That no Nobleman, or Baron, (being burdened therewith,) refuse to accept of High-land, or Border Fledges, but that they receive them, and be answerable for them, under the pain of two themsand pounds for each Fledge, Iam. 6. par. 16. Cap. 28.

PLEY.

That no Lord of Session, Ordinary, or extraordinary, Advocats, Clerks, Writers, their Servants, or any other Members of the Colledge of sustice, or of any Inferiour Judgement, be themselves, or others, to their behoove, buy any Lands, Teinds, Rowms, or Possessions, depending in pley, undecided, under the pain of tining their places, and all Priviledges thereof, Jam. 6, par. 14, cap. 216.

PLOUGH, See Labouring, and Sowing. POINDING.

That Poinding for maills and Annual-rents, be deferred to the thrid day, after ie solemne dayes of Whitfunday, or Martinmes, Ja. 3. p 5. cap. 35. See

the folemne dayes of whithmany, we are the statement of the Flough, and Labour, That Horfe, Oxen, or other Goods pertaining to the Flough, and Labour, not pointed the time of labour, where other Guides, or Lands, may be had to Founded, or Apriffed, Ja. 4. P. 6. cap. 98.

That Decreets given in actions of double pointing, for the partie compeaning asy not be quarrelled as to by-gones by the partie absent, unless he have an necely fary

fary cause of absence: And that Minors lesed by their absence, have action of damages against their Turors, and Curators allanerly. But if the Minor have none, that he be restored as accords, sam. 6, par. 9, cap. 3. Albeit this Act be declarative, and was made to comprehend all causes then depending, and undecided, yet it is afterward restricted to reductions of such Decreets, as were obtained after the making thereof allanerly, Jam. 6, par. 10, cap. 19.

Ratification of the Act. Iam. 6, par. 18, cap. 10. In Horning, and that Letters of Poinding be in like manner Directed upon Sheriffs, Commissars, and other inferior judges Decreets, mentioned in the said Act, and this Act drawn back to the Twelth of June, 1649, Car. 2, p. 1, Sess. 1, cap. 29.

That poinding be not used upon Sands, or Decreets, for Personal Debts, until the Charge be given and expired, under the pain of Spulzie: But prejudice of Masters Decreets against their Tennents, in their own Courts, and Superiors poinding for Few-dewties, as formerly, Car. 2, p. 2, Sess. 1, cap. 4.

POOR, See Beggers.

For preventing the encrease of Beggers, his Majesties Leiges at sight of Provest, and Baillies within Burgh, or of Kirk Sessions, either to Burgh, or Landwart, may receive the Children of indigent Parents, with consent of their Parents, if they any have, and if they be under fifteen years, and with their own consent if above, and breed them either in their Houses, or at Callings; and upon a Testimonial hereof, the faids Children shall be aftricted to their laids Masters, their Airs, and Assignes, in all manner of Service, and be under all manner of Discipline, (life and torture excepted) until they be past thirtie years of age, and all their gain by their travel shall be their Masters, and they shall be bound to resource the state of the place, seize Vagabonds, and idle Poor Persons, and imploy them in their work, and exact off the Paroches where they were born, or shillings, per diem, for the next three years, in manner prescribed in the Act. And thereafter may retain them seven years in their service, for Meat and Cloaths, Car. 2. p. 1. Session, 2. p. 1. Session, 2. p. 1. Session, 2. p. 1. Session, and the Meat and Cloaths, Car. 2. p. 1. Session, and the accompt of them as in the Act. Car. 2. par. 1. Session, on the Paroch appointing, and entertaining one, or more, in each Faroch, on the

of Peace.
Order for appointing, and entertaining one, or more, in each Paroch, on the Order for spointing, and entertaining one, or more, in each Paroch, on the Order for spointing of the Addition of the Addition of the Addition of the Burghs, upon the allowance, and in way, and manner fully fet down in the Addition. 2. p. 2. Seff. 3. cap. 18.

POPE.

Ad Ratifying the Act of Parliament, 24 Angult, 1560. abolifting the Popes Jurisdiction, and Authority, within this Kingdom, Iam. 6. pr. 1: cap. 2.

That all Bulles, Provisions, Confirmations, and Gifts of Benefices, granted by the Pope, or Queen Mother, to the King, be produced before Commissioners to be appointed by his Majetty, and in cale the Iame be found true, and lawfully purchased, before the Twentie fourth of Angult, 1560, that they be Registrat, and marked, otherwayes, that they be declated null, Jam. 6. par. 3.

POYSON.

That no Man. nor Woman, inbting any kind of poylon, through which Man or Woman may take Bodily harm, into the Realm, for any manner of ule, under the pain of Treason, lam: 2: par: 7: cap: 30.

And this Act extended against Strangers, Ibid. cap. 31.

PREACHING.

That none be permitted to Freach without Licence of the Ordinary, Car. 2. par. 1: Sell. 2. cap. 4.

PRECEPT.

That Precepts upon retours pals as before to the Sheriffs , and other Judges, with the claufe captends securitatem, without urging Parties to present payment , Jam. 6.

p. 12. cap. 124.

That no P. ecepts of faisse be thereafter written, to, or under the Quarter Seal, but that they be ingrossed in the end of the charter, Car. 2. p. 2. Sess. 3. cap. 7.

PRELAT, and PRELACIE.

When Prelacies, that is Bishopricks, and Abbacies vaik, the nomination thereof pertains to the Ring, and the provision to the Pope, and that none take their Places, Castles, Strengths, or Abbacies, without the Kings Authority, or the Convents consent, the Abbacie vaicking, under the pain of high Treason,

the Convents consent, the Abbacie valcking, under the pain of high Treason, Jam: 5:p: 7, cap: 125.

That all Gifts, and Dispositions of Prelacies, Abbacies, Priories, and Nunnics, made by the King upon the Resignation of the Possessian, reserving their Life-rents, are null, and that no Gift of any Prelacy bevalide in time coming, except it valck be decease, Fore-faulture, or simple Dimission, Jam. 6, p. 9, c. 1. But this Act corrected, and declared to be of force only, quo ad furura, and Gifts made after the date thereof, Jam. 6; p. 13: cap: 182. And for obviating of Frauds as to antedares, all Gifts not past with all Solemnities, and specially not exped through tine great Seal, before the making of the said Act. Jam. 6, p. 9, c. 1. are excepted, and declared null, Jam: 6; p. 15, cap. 274.

That Prelats be free of warrandice except from fact and deed, in respect of the Annexation, 1587. Jam. 6, p. 11. cap. 110. See it in Annexation.

Thist Prelats, and Other beneficed Persons, have release of Taxations upon their Vassals, Pensioners, and Tacksmen, Ja 6, p. 14. cap: 228.

That Il Ministers provided to the title of an Bishop, Abbot, or other Prelate, have vote in Parliament, scalks as Prelats had of old, Jam. 6, par. 15. cap. 231.

cap. 231.

That two part of the Spirituality unaffumed of all Prelacies vaicking, and Rents, and profits thereof, fede vacante, appertain to the King, and may not be disponed by Pension, Gift, or otherwise, Ibid. cap. 242.

PREROGATIVE, See King, and Oath of Allegiance.

PRESBYTERY, See Kirk. PRESCRIPTION, and INTERRUP-

Obligations prescribe, if the Pattie to whom they are made, follow not the same within source years, and take document the reupon. Ja. 3. ps. 5. c. 29. extended to by gone Obligations, elder then source years, and not depending in Law, the time of the making of the foresaid Act. Ja: 3: pop: cap: 55.

That Summonds of Error of inquests, be persued by the Fattie leied, if Major, and within the Realme, within three years, otherwise he shall never be heard in that action, or to reduce the said Error, Ja: 4: pops: cap: 57. But corrected, and restricted to the Members of inquest, so as they may not be made lyable after three years for Error, without presudice to the pattie lesed to persew for reduction of retoures, to be exped in time coming, within the space of twentie years, for recovery of his right, after which space all narely, the said Action of Reduction is to prescribe, but this Act prejudges not such as have already acquired, bona side, from Persons retoured before the date thereof, Ja: 6: pops: 22: cap: 13. Anno 1617.

Actions of Spullate. Ejections, and Others of that nature prescribe, if nor persewed within three years, after committing of the deeds, unless the partie lesed be Minor, who is allowed three year after his Majority, Ja: 6: pops: cap 8: Ratisfied Jam: 6: pops. 7. cap: 119.

Actions of removing prescribe in like manner, if not persewed within three years after the waitning, Jam: 6: part 6: cap: 82. but without any exception as to Minors.

All Adions of Debt sort both services mails, means ordinary. Services Accuments.

Actions of hemoring pietrine in and manufact, it not percent a time to Minors.

All Actions of Debt for house mails, mens ordinats, Servants Fees, Merchants Compts, and others the like Debts, not founded on writ, prescribe, if not persewed within three years, unless the Fersewer offer to prove his claim by Writ, or Oath of Fatty, Ibid: cape \$1.

Nonecessity to produce Procuratories, and Instruments of Resignation, Precepts of Clare conflat, or any other precept of sasin, nor shall the want thereof be ane cause of reduction after fourty years possession, which was the produce of the Resignation to have been made, and the Instruments of Sassin mention of the Resignation to have been made, and the Instruments of Sassin mentioning the Precepts are extent, lam: 6: pr. 14: cap: 214.

Where a Chairtor and Sassin, or where there is no Charter. Instruments of Sassin one or more, continued and standing proceeding on retours, or precepts of clare conflat are produced, and the Party and his Authors by themselves or others having their right by vertue thereof, in fourtie years peaceable, and uninterrupted possessing the ground of the Lands, and other Heretages therein contained, the same are declared to be good, and unquestionable rights, upon any ground whatsoever, except sasson, that all actions upon bands, or any other ground whatsoever, be persewed within sourcie years, after the date thereof, unless the ground of the action be a reversion, in the body of the Detenders right, or duely Registrat, in which case the Action is declared to be perpetual. Actions of watrandice prescribe not from the date of the Obligation, but from the date of the distress: But the years of the minoritie of the Party against whom prescription is objected, are not counted to make up the fourtie years Course thereof, and thirten years allowed to such, against whom some united the Actions for interruption, and yet they are not compellible to instit on the first Summonds, unless the second Summonds be also given, Jam. 6, par. 22. cap. 12. 23, Jams

ven by Oath of Party, out none of these prescriptions and against Minors. Car. 2, part. 2, Sess. 1, cap. 9.

That all interruptions as to rights of Lands by Citations, be thereafter made by Messengers Fersonally, or at the Parties dwelling house, and at the Faroch Church, at, or after Divine Service, and that all Citations for Interruption, be renewed every seven years, or else prescribe, except the Parties be Minors; Ibid, cap. 10. As also that the Execution be made before witnesses present, at the doing, and subscribing to the Execution, Car. 2, p. 3, cap. 5.

PRICES.

That Barrons, Provefts, and Baillies, set prices upon Bread, Ale, and all other necessaries things, wrought, and bought, and that they appoint Prievers, Examinators, Ja. 4, p. 5, cap. 56.

Ratified, and that they appoint Statutes in the premisses, and punish the breakers and if they failzie herein, that they incurr the pain of An Handred panal la. 6, p.7, cap. 121.

That the King give Commission for setting prices on Crasts-mens work, and Stuff, Victual, and Salt, with power to punish the Transgressions. la. 5, p. 4.

Stuff, Victual, and Sait, with power to punin the Transgremours, Ia. 5. p. 4-cap. 30.

That Provefts Baillies, and Council of Burghs, fer prices on Wine; Salt, and Timber, as they arrive at any Port: And that the King, and his Lords, and Gentlemen, be first ferved Ia. 5. p. 7. capr 100. Ratified, and that the ptices set, be Proclaimed, and none of the saids Gudes fold for four dayes thereafter, that the saids Persons may be advertised. Q: M: p. 6. cap. 57.

Prices set on wild. and tame Foul, and that the Suyer, or Seller, that breaks the same, tine all his gudes as escheat, and his Person to be in will: And in this Act the black Cock is but Sex pennies, and the tame Hen is eight pennies, Q. M. p. 6. cap. 12.

Act the black Cock is but sex panner, and the same and all Victuals, to Burgh, s. cap. 12.

That reasonable prices be set on Crafts-mens work, and all Victuals, to Burgh, and Landwart, by the Magistrats, and Sherisis, sbid, cap. 23.

That no Merchant, Home-bringer, or Portioner of Wine, and Timber, be a setter of Prices on the same, during his office, but that two Bartons, or Landedmen, be named at the Michaelman head Court, in each Shire, and other two by the King, and his Council, all dwelling within Burgh, or Sex miles thereof, and with them sour to be chosen by the Burgh, and that these eight be the only Prices

Pricers of Wine, and Timber, for that year, and fo forth to be chosen from year, to year, and if the four to be named by the Shire, and the King, be either not named, or doe not concurre when required on fourtie eight hours, that then the other four may by themselvs feet the said sprices, Jam. 6, par. 11. cap. 53.

Prices of Bils, and Letters, to be taken by the Clerks of the Signet, Jam. 5.

Prices of Writs, and Seals, to be taken by Writters, Clerks, and Keepers, Frices of Writs, and Seals, to be taken by Writters, Clerks, and Keepers, first appointed by the Lords of Session, and then ordained by the Council in the year, 1666, and now Ratisfied, and Commanded to be observed in time coming, and that Writters, and Clerks, writton the back of all Writs given out by them, the just price they receive, and subscribe the same, under pain of Deprivation, Jam. 6. p. 23, cap. 19. here is also a farther regulation of the said prices, and fees, Cat. 2. par. 2.

There is allo Seff, 3. cap. 16.

PRINCE.

A general, and ample Ratification in favours of Charles, Prince, and Steward of Scotland, excepting therefra the Assignation made to the Castle of Dumbartoun, until some other provision be made in lieu thereof, Jam. 6. par. 23.

PRINCIPALITY.

The free Tennents of the principality, give fute, and presence, in Parliaments, and Justice Airs, when there is no Prince. Jam. 4. par. 2. cap. 16. See it in Parliament.

PRINTER.

That no Printer print any thing without Licence, under the pain of Confiscation, and Banishment, Q. M. p. 5. cap. 27.

PRIORIE.

That all Fewers . or Vassals of Priots, or Priotesses, or Friers, or Nuns places, ter the decay of their faid Superiots, hold of the King, as they held of them, after the decay of the Jam. 6. p. 2. cap. 38.

PRISON-HOUSE.

That sufficient Prison-houses be built within three years in all Burghs by the Magistrats, and Council thereof on their Common gude, or otherwise on the
Charges of the Burgh, for keeping their own, and all other Prisoners that shall be
presented to them, but the Prisoners to be keept on their own expence, Iam. 6.

par. 15. cap. 273.

The overlight of the condition of Prison-houses recommended to the Justices of Peace in their instruction, Car. 2. p. 1. Self. 1. cap. 38. See it in Justices

PROBATION.

An exception being admitted to probation, the Lords should declare how much of it is to be proven by Writ, and the Writ should be produced in termino, or diligence for it, otherwise that the term be circumduced: and if the Writ be produced, the other party may object against it, Q. M. p. 7. c. 63. See Prescription, as to the several manners of probation by Witnesses, Writ, or Oath.

PROCESS.

The Form of Process in Spiritual Courts, to wit, that after peremptory Citation of the Clergy-man. shewing the cause, and under the pain of Excommunication, Litticontestation be made: and if the thing be confessed, that the Defender be charged to pay within fifteen dayes, under the said pain, but if denied, that a day be assigned to the Pursuer to produce all his proofs peremptorly, and that this day, beingcome, another day be assigned to the Defender to produce all his exceptions paremptorly, and then a day assigned for sentence, so as Process be ended within fourty dayes: And that the ludge not observing the same, be condemned by his Ordinary to saits the Complainer, 1a. 1, p. 6, c. 67.

That for facility of Process, the same be given to the Pursuer on his expences, paying four pennies for each Act thereof all anetly. 1a. 4, p. 6, c. 67.

That no Process granted before Inferior sudges on the first Summonds, but upon Libelled Precepts, and citation of fifteen dayes, conform to the Act of Parliament, 1a. 6, p. 23, c. 19.

Act for regulation of Process before the Lords of Session, Car. 2, par. 2. Sess. 3, cap. 16.

PRODUCTION of WRITS.

That all persons may be charged in general or special, under the pain of Rebellion, to produce before Commissioners so be appointed by his Majesty, all Rentals of whatsoever Benefices, or Hospitals, or things pertaining thereto, with all Infestments. Tacks, or other Rights made to them of any Kirk Lands, Temple Lands, teinds, or other Kirk Rents, that they may be inspected, and to deliver authentick Copies thereof, 1a. 6. p. 12. c. 131.

That all Fewers of the Temporality produce their Insestments and Titles betwirt and the fird of January, 1598. under the pain of pullity, 1a. 6. p. 15. c. 245.

PROFANENESS.

Act against Profameness, Ratifying the Acts Ia. 8, p. 22. c. 20. against Drunkenness, Car. 2. p. 1. Sest. 1. c. 18., 19, and 38. for the due observation of the Sabath, and against Swearing and excellive Drinking, ordering who shall execute the same in every Paroch, and how the Fines should be Collected and Applied, Car. 2. p. 2. Sest. 3. c. 22. See the Heads here mentioned.

PROTECTION.

The breakers of the Kings Protection being summoned on fourty dayes, the breaking shall be put to the knowledge of an Assize, whether the breaket compear or not, and if found, he shall be unlawed in ten pounds, and Assist the Party, Ia. or not, and if found, he shall be unlawed in ten pounds, and Assist the Party, Ia.

1. p. 11. c. 134.

That the Lords of Session grant no Protections from Legal Execution, declacing that the Granter shall be lyable to the Cteditor for the sum, Iam. 6. par. 23.

clag that the Granter man be syable to the Casaman and discharging the Lords of Privy Council, Session, and Exchequer, to grant any from personal execution, certifying that the granters shall be lyable for the debt, and that the fame shall not stop execution: Yet the saids Lords, as also the Justice General and his Deputes may suspend personal execution for a few dayes against persons appointed to appear personally before them, Car. 2- p. 1. Session, 2. c. 4. The same again statute, and that such as are accessory to the granting may be known, all Protections, Supersederies, and Licences, are optained to be Sigued, and the Sub-

feribers are declared lyable for the Debt as Cautioners, and Protections are ordered to be recorded, and that the Extract make Faith, and the forefald liberty of
Sufpending Execution, is limited to a moneth, and the Party citing any person
that needs a Protection, must first make Faith that he is a material Witness, and
also the Protection must bear the cause: And Protections granted contrary to this
Law, do not only hinder personal execution, but if any Magistrar, or Messenger,
do therefore refuse to concurr, he is declared lyable for the debt: As also, the Lyon, in case herefuse to depose the Messenger, resusing to concurr, as said is, Car.
2, Dat. 3, Cap. 9. 2. par. 3. cap. 9.

PURPRISION.

No Vaffal under the Baron hath power to hold Courts, or cognosce on Purpris-

No Valial under the paron nam power to hold County, or exploite on rupping-on, Ia. 3, p. 10, c. 80.

Who labours, Inclofes, or appropriats any part of his Majesties common Muirs or Commonties, commits Purprision, and should be punished according to the old Law and Confuetude, Ia. 6, p. 16, c. 5.



UARTERING.

All free Quartering of Souldiers, Transient or Local, discharged, Cat. 2, p. 3. c. 3.

QUEEN.

That the Prelats and Barons make the like Oath to the Queen (The Oath is not ceified, but it feems to be the like Oath that they make to the King) la. 1. p. 8.

ap. 110.
All the Lords of Parliament, both Ecclefiafticks and Seculars; and the Com-niffioners of Burghs, promise Letters of fidelity to the Queen, Iam. 1. par. 12.

The third of the Kings Rents of Affile, that is of Lands and Outloms, should be affigned to the Queen for her Dowry and Terce allanerly, and no farther, la.

3, p. 1. C. 2.

Confirmation of Queen Anne's Contract of Marriage, whereby the Earldome of Fife, Lordhip of Linlingers, and third of the property of the Crown were appointed to her in Joynture during her life, befide her Morning Gift from the King of the Abbacy of Dumfermina. And the Queen with advice of the King chooles a Council for the administration of her affairs, which nomination is also

choofes a Council for the administration of her assairs, which nomination is also Ratised, Ia. 6. p. 13. c. 191.

Ratisfication of Queen Anne's Infestment of the Lordship of Damfermlins to her and the Airs of her body betwirt her and the King, which failzieing, to King James his Airs and Successors succeeding to the Crown of Scotland: As also, of all deeds made and granted, or to be made and granted by her, with advice of her Husband and Council, of the said Lordship, or any part thereof, in manner set down in the Act, Ia. 6. p. 21. c. 10.

Ratisfication of a Supplement of sour made by Queen Anne of her Council, in place of so many of the former nomination deceased, and conform to, and in the terms of the said Act, Ia: 6: p: 22; c: 11. See Dumfermline.

QUOTS of TESTAMENTS.

That no Quots of Testaments confirmed since the sixteen of November, 1641. or to be confirmed in time coming, be exasted, Car. 2. p. 1. Sess. 1. c. 23. But this Advergeled in favours of Bishops, Ibid. Sess. 2: c. 1.

That the Quot be only payed for the free Geir in Testaments, and that for instructing the Debts, Creditors may be called, and also their, and the Executors Oath taken, ast to the reality of the Debt. That Executors Creditors pay no Quot, in so far as efficirs to their Debt: And sicilize of Relicits confirming for their provisions, in so fat as extends to sive years purchase of the Liferents confirmed for, that poor people not worth fourly pounds, their Confirmations be free of Quot, and for Fees of Court that they pay only run pounds eighten shilling. That Heretable Debts where there is an Heretable Estate. defalk not off the Inventar in diminution of the Quot. That there be no divisions in Testaments in favours of the Resist, where she is excluded, or In so far as she is excluded, and that this exclusion be probable by her Oath: And that Commission, Clerk, Fiscal, or other Member of Court contraveening this Ad, be deprived without re-admission. Car. 2. par. 2. Sess.

ATIFICATION.

Ratifications in Parliament are to be understood Salvo Jure Cujugidus, Ia. 6, p. 12. c. 130. and p. 14. c. 215. And that whether the same be general or special, p. 18. c. 20, and p. 19. c. 9. See Parliament.

RAVISHING.

That Ravishers of Women be put under soverty, as in the Ctimes of Slaughter and Mutilaton, 1a. 5. p. 7. c. 118.

The subsequent Consent or Declaration of the Party Ravished, that she went along of her own free will, albeit it may exeem from Capital punishment, yet if at the instance of the Womans Kins-folk, or his Majesties Advocat, it be found by an Affice that the deed was at first violently done, it doth not free such as are guilty from the Arbitral punishment of Consistant, Wairding, or Fining, Iam. 6. p. 21. c. 4.

REBEL, and Refet of Rebels Criminal.

That none Rebell openly against the Kings Person, under the pain of forefaultour, Ia. 1. p. 1. c. 3. And if any refuse to enforce the King against such rebellers, they shall be challenged as favourers of them, ibid. c. 4. See Treason. That none reset, or do savour to manifest Rebels against the King and Common Law, under the pain of forefaultour, Ia. 1. p. 2. c. 37.

That where Rebels are reset within Castles, or where there is presumption violent of Rebellion, the Lieutement raise the Countrey, and pass to such Houses, and arrest the Persons, and cause them find soverty, Ia. 2: p: 2: c: 3.

That none Rebell against the Kings Person or Authority, and who so rebells, to be punished after the quantity and quality of their Rebellion, by the advice of the three

three Estates; and if any openly rebell against the King, or make War against the Leiges, against his forbidding, that the King gang upon them with the assistance of the whole Land to punish them, 1a. 6. p. 2. c. 13.

And who assists need, Comfort, Counsel, or Maintenance, such as shall be justified for the said Crimes, fra the Crime be notour, or the trespassour convist, that he be punished as the principal, thid, c. 14. This Ack in the old Copy is a part of the former: And it is evident that the Title prefixed to it in Skeen copy, viz. of them who seek revernes for tress spassour justified, is forraign and improper, and hat heen prefixed by a mistake.

That Sheriffs, Baillies, and others, do all diligence to apprehend all Rebels at the Horn for Crimes Capital, and that no man wittingly relet, maintain, supply, defend, or do them favour, under the pain of death, and escheat of Moveables, Ia. 5, p. 7, c. 97.

Persons denounced Rebels should be repelled ab agends, Ia. 6, p. 6, c. 7, 5.

All Acks against the reset of Traitors and Rebells Ratified, and that none supply or Intercommune with them, or give them any relief, or comfort, but that all do their uttermost to apprehend or expell them, under the pains due to the Rebells, Ia. 6, p. 12, 6, 144.

do their attermost to apprenents or experience, under the pains due to the Record, 1a. 6. p. 12. c. 144.

Fraudful Dispositions, or simulat Gifts of Escheat exclude not the Thesaurer from intrometting with the Escheats of Rebells for odious Crimes, the Goods being still in the possession of the Rebel, his Wife, 8aims, or Friends, on the Ground, or in the House possession by the before he was Rebel, or in the House where he hathfined been refet; and the Thesaurer should cause detain and keep their Houses on the readiest of the Escheat Goods, Ibid. c. 145. See Escheat and Treason.

RED-FISH. See Salmond. REDEMPTION. See Reversion.

Decreets of Redemption upon lawful premunition and citation of the lawfull Contradictor, and who was also Summoned for Production and Improbation of all Writs that might prejudge the Reversion, and produced none, but for obedience hath tenounced the Lands and others in the Decreet, cannot be again quarrelled at the instance of any person, in any fort, ia. 6. p. 12. c. 134.

That Annual rens redeemable may be redeemed by payment of the Principal and bygone Annual at ren per cent. albeit the security was given for greater Annuall, ibid. c. 135. See it in Annual rent.

That the length thereof be Ten Quarters at leaft, Car. 2. p. 1. Seff. 1. c. 43. See it in Linnen Tarn.

REGALITIES, and BAILIES thereof. See Sheriff.

That Regalities in the Kings hand, while in his hand, be holden as Royalty, and juftified by the Justice. And that the Free-holders thereof compear at Justice Airs, pay Suits within the Shire, and to Parliaments, as Free-holders of the Royalty, Ja. 2. p. 6. c. 26.

That all Regalities now in the Kings hand be annexed to the Royalty, and that no Regalities be granted in time coming without deliverance of the Parliament.

That the priviledge of Regals be observed, but not abused, against the Kings

The Officiar of the Regality being negligent in executing the Acts against Re-bels for Capital Crimes, the Sheriff may do the same within the Regality, la. 5.

bels for Capital Crimes, the Sheriff may do the lame within the expany, p. 7, c. 97.

As in the Royalty the Fines of the A& of Apparel. la. 6. p. 7, c. 113, are divided betwixt the King and the Sheriff, fo in Regalities the one half is appointed to the Lord of Regality, and the other half to the Baillie, ibid.

That where the Jultice General, or Kings Jultice in that part, by Commission Summonds any Offender dwelling within Regality, the Baillie of the Regality may re-pledge, if he have prevented by citation, otherwise not, but only he may be adjoyned. No Baillie, or Steward of Regality, may repledge from the Jultice Air, but only be adjoyned to the Kings Jultice, without prejudice in both cases to their share of the penaltices and unlaws. la. 6. p. 11. c. 29. The A& is, Amexation of the Temporalities of Sherifests to the Croum.

Ratification of all Liberties and Priviledges granted to Burghs Regal, la. 6. par. 18, cap. 16.

18. cap. 16.
All Regalities pertaining to any Benefice whatfoever, except Archbishopricks and
Bishopricks, declared to pettain to the King and his Successors for ever, Car. 1. p. 1. c. Bimopricks, declared to pertain to the King and his Succellors for ever, Car. 1. p. 1. c.
13. See it in Annexation.
13. Free office and duty of Baillies of Regality, briefly teckoned, Car. 2. p. 1. Seff.
3. c. 15. It is only done Obiter.
Magistrats of Burghs of Regality may Arrest none for Debt, except their own Burgesses, Car. 2. p. 2. Seff. 3. c. 8.
The Liberties of Burghs of Regality as to Trade. See in Burghs.

REGENT of the REALM.

Ratification of the Dimiflion and Renounciation of Queen Mary In favours of her Son King James the Sixth, as als of her nomination of James Earl of Murray to be Regent to him, his Realm, and Leiges, ay and while he be of the age of feventeen years compleat, 1a. 6. p. 1. c. 1.

Tatification of the Nomination, and acceptation of the Earl of Marr to be Regent, during the faid space, Ja. 6. p. 2. c. 35.

Ratification of the nomination and acceptation of the Earl of Mortons to be Regent during the Kings Minority and less age, Ia. 6. p. 3. c. 44.

REGISTER, and REGISTRATION.

REGISTER, and REGISTRATION.

That the Kings Register and Rolls be put in Books, la. 3. p. 5. c. 40. And that the Exchequer Rolls be altered, and made in Books of Parchiment, Car. 2. par. 2. Sess. 3. c. 16. concerning the Exchequer. That the Clerk of Register cause Print the Acts of Parliament, la. 5. p. 7. c. 127. See it in Parliament.

That Hornings, Inhibitions, and Interdictions, with their Executions, be Registrat. and where, and in what manner. See Under these several Heads.

That all Reversions. Regresses, Bands, and Writs for making the same, Assignations thereto, Discharges thereof. Renounciations of Woodstes. Grants of Redemption, and all Instruments of Sassing, be Registrat in the General Registers, to be appointed by the Clerk Register at Edinburgh, or in the particular Registers, specified in the Act, within threescore dayes after date of the same, but Bands and Writs for making Reversions, and Regresses, need not be Registrat, except within fixty dayes after Saising taken by the makers thereof, and Extracts out of the saids Registers, are declared to make faith in all cases, except in the case of Improbation: And any of the saids Writs not Registrat as said is, are decemed to be null, in prejudice of a third Party, but not against the maker thereof, and his Airs: But Saisings, and Reversions therein contained, given by Magistrats of Burghs, of Lands within their Liberties, holden in free Burgage, and all other heretable rights thereof, with Reversions Incorporat in the Instruments of the Parties, against whom they are used, are excepted from this Act: As also Renounciations, or Grants of Redemption, consigned in Process, are only to be Regustrat within

fixty dayes after the date of the Decreets, ordaining them to be given up. And this Registration of Writs is annexed to the Clerk Registers Office, and is to be made by him, and his Deputes, within fourty eight hours after the recept of the Writs, under the pain of deprivation of the Clerk of his Place, and Office of Notary, and that they deliver back the Writs, marked with the day, moneth, year, and leaf of the Registration, and take only wwenty fix fieldings eight pennies as the price of ilk leaf, and the saids Registers to be marked by the Clerk Register, or his Deputes, with a note of the number of leaves, and that when filled up, they be returned to the Clerk Register to be patent, and Extracts thereof given, 1a. 6.

be returned to the Clerk Register to be patent, and Extracts thereof given, 1a, 6. p: 22: c: 16. Anno 1617.

That influtments of Resignation, ad remanentiam, be Registrat hereafter, within sixty dayes after the date, otherwise they are null: But instruments of Resignation of Burgage Lands, being Registrat in the Books of the Burgh, fall not within the faid certification, Car: 2: p: 2: Sesti: 1: c, 3: 16. November, 1669.

The Act 1617. extended to all Lands within Burghs, and their Liberties, and to all the foresaids Witts concerning the same, notwithstanding the exceptions above specified, and that Town Clerks keep a several Book for their Registrations, depending only on the Magistrats, and not the Clerk Register, with a Minut Book, to be by them quarterly compared, and signed, conform to the Act, Car: 2: p: 2: Sessing: c: 16. Car. 2. p. 3. c. 11. And this Act contains also the prices of Registrations.

That Charters passing at the Great Seal, after the appending of the Seal, be de-vered back by the Keeper to the Director, that he may Registrat the same, and ar all Wriss already past the Great Seal, may within a year from the date of this ct, be returned to the Director, who shall Registrat the same Grass, Ia. 6. 9.

Act, be returned to the Director, who make regular to the Anno 1621.

That all Chatters, and other Writs, hereafter passing the Great, and Privy Seals, be first Registrat by the Writers thereto, in the Registres thereof, and the Writing and Registration attested on the back, and that they keep a perfect Minut Book of the same, and that no Keeper append the Seal to any Writ not attested, to be Registrat, Car. 2. p. 2. Sess. 3. c. 7.

Act appointing how the Registers of Hornings, Inhibitions, Interdictions, Seafins, Reversions, and Others with their Minute Books, should be keept, Car. 2. pass. 2. Sess. 3. cap. 16.

REGRATOURS, See Forestallers. RELAXATION, See Horning.

A Man-sayer denounced, and thereafter relaxed, if he be thereafter denounced for the same Cause, the former Relaxation avails not, but his Rebellion runs, and is reckoned from the first Denounciation, Q. M. p. 6. c. 31. The Act Cemsalso to intimat, that albeit a Petson be denounced, yet if he thereafter compeare, and be acquit, his former Rebellion prejudges him not. How, and where, Relaxations are to be made, and Registrat, Jam. 6. p. 6. c. 75. see it in Harnings.

RELEIF.

That no Releives be componed, but the true avail thereof compred for, and payed in Exchequer, that on the fight of the responde Book, Letters be directed, to charge, and poind, either the Party, or the Sheriff, or both: But the Sheriffs discharge exoners the Party, Iam. 6. p. 11. cap. 73.

RELIGION.

RELIGION.

That none bear Office removeable in Judgment within this Realm, or be Procuratour, or Notat, or Member of Court, but such as profess the Religion now established, excepting therefra, such as have Offices heretable, or in Life rent, Iam. 6, p. 1, cap. 9. Anno 1,67. Extended to all Offices without Exception, or Restriction, Jam. 6, pat. 20, cap. 5.

Ane Act made by Q. Mr. 19. April, 1,647. Granting impunity to all the Professor of the Religion then received, abrogating all Laws against them, and taking them into her protection, recorded, Iam. 6, p. 1, cap. 31.

That none be repute Loyal subjects, but be punishable as Rebellers against the Ring, that professor to the true Religion, and if any such Professors make defection from the Kings Authority, that they be admonished by the Ministers to return to duty, and if they failzie, that they be Excomunicat, and that before they be received to his Majesties mercy, they renew their Professor, and promise to maintain his Majesties Authority, as also the true Religion, against all Enemies, specially these called of the holy League, bound to execut the Decreets of Trent, Iam. 6, p. 2, cap. 47.

That Persons going out of the Kingdom for farther knowledge in Letters, have the Kings Licence which shall contain this provision, that they shall adhere to the true Religion, and doe nothing against it, under the pain of Bartartie, and that within twentie dayes after their return, they make and give before their Ordinarie, the Confession of their Faith as now established, or otherwayes devoid the Kingdom within source dayes thereafter, or be persewed as adversaries to the Religion, Jam. 6, pas. 6, cap. 71.

That no Subjects, or Strangers, sexcept Ambassadours, Messon established, or otherwayes devoid the Kingdom within source dayes thereafter.

dom within fourtie dayesthetearter, of the periodes as a surface of the first state of th

finall not feduce, that the Makers, Sellers, Homebringers, or Dispersers of Erroneous Books, incur the pain of Banishment, and Conflication of all their Moveables, Jam. 6. p. 7. cap. 105.

Magistrats of Burghs, with a Minister, may search for, and destroy Erroneous Books, and put the Homebringers in waird, until they be punished, in Person, and Gudes, at the Kings will, Jam. 6. p. 11. cap. 25.

Ratification after the Kings Majority, of all Laws alreaded made, anent the Religion then, and now professed, with an express abrogation of all Laws, or Statutes contrary thereto, Jam. 6. p. 11. cap. 23.

Anno 1587.

Ratification of all Laws made against the Adversaries of the same true Religion, and the Seducers, or Perswaders to decline therefra, that any professed Papist, or Seminarie Presist, found within (probablie it should be after) the space of a Moneth, after the Publication of the Acts of this Parliament, shall incurr the pain of death, and escheat of Moveables, and their Refetters, and Suppliers, by the space of three dayes, and three nights, tine their Life-tenss: All Sayers, and Hearers of Mess. Profaners of the Sacraments, Persons suspected to have declined, withdrawers from the Preaching of the word, seducers by reasoning, or dispersing of Books, or Letters, being called before the Council, or Justices, and convict, incur the tinfel of their moveable gudes, and Liferent. Ibid. cap. 24.

Saying of Mess, and the refleting of seluits, Seminarie Presists, and Trafecquing Papitis, against the King, and the present Religion, infert the Crime, and pain of Treason, both against the Persons refer, and their Resetters specifies the seluits.

And refet for three nights together, or at several times infers the sime to be.

And refet for three nights together, or at several times infers the sime to be.

And refet for three nights together, or at leveral times infers the fame to be willingly done, and the pains are declared to be for the first fault, simple escheat, for the fecond, Life-rent escheat, and for the third the pain of Treason, and Forefaultour, lam. 6, par. 13. cap. 164.

That none have the benefit of the Act of Pacification 1572, and Act of Oblivion 1535, except fuch as profess the prefent true Religion, and acknowledge the Kings Authority, Jam. 6. p. 12. cap. 123.

That all Jefuits, Seminarie Preiffs, Excomunicat, and Trafecquing Papifts, common enemies to all Christian Government, be apprehended, and committed by all Magistrats, untill they be converted, or pur out of the Kingdom, or punished, conform to the Acts of Parliament, and that none refet them, under the pains following, the East, a Thousand pounds, the Lord, a thousand merks, and the Surron Five Hundred pounds, la Cop. 18.

That all wilful Resetters of Excomunicat denounced Papists, after Publication made by the Minister of the Paroch, pay the Petalties of non-Communicants, which are the same with these in the Act immediatile preceeding, 1 am. 6. par. 19. (cap. 18.

which are the latte with take that it is a cap. 1.

All Acts against Jesults, Seminarie Preists, Papists, and their Resetters, Ratified, declaring as to their Resetters, that Intimation, and Denounciation made at the Head Burgh of the Shire, and Mercat-cross of Edinburgh, shall be sufficient to put them in mala fide, Iam. 6.p. 20. cap. 3.

Ratification of all Acts anent the Liberty, and Freedom of the true Kirk of God, and Religion presently professed in this Realm, Car. 1. par. 1. cap. 4.

thus, 1633.

That all Jesuits, Freists, and Trafecquing Papists, betwirt and the last of March, ext 1661. Remove forth of the Kingdom under the pain of Death, Car. 2.

That all Jesuits, Preists, and Trafecquiring Papilits, betwixt and the last of March, next 1661. Remove forth of the Kingdom under the pain of Death, Car. 2. p. 1. Self. 1. cap. 8.

The King with advice of Parliament declares his full, and firm resolution, to maintain the true Protestant Religion, in its purity of Dostrine, and Worship, as established in his Father; and Grand-fathers time, and to promove the power of Godlines, and encourage the exercise of Religion, and suppress all Protanness, and to give Countenance, and Protection to the Ministers, behaving as becomes, as also to ferle the Government of the Church, as shall best suit Gods word, Monarchie, and the Kingdoms Peace, and in the mean time continues Kirksessions, Presbyteries, and Synods, notwithstanding the Act Recissorie, Ibid.

Sellions, Presbyteries, and Synods, notwithstanding the Act Recissories, Ibid.

629. 18.

Ratification of all Acts anent the true Church, and Religion presently professed, and all privat meetings in houses, under the pretence of Religious exercises are discharged, Car. 2, p. 1, Self. 2, eap. 4.

Ratification of all Acts for setting and securing the Liberty of the true Kirk, and Frotestant Religion presently protested within this Realm, all Acts against Popery, Car. 2, p. 3, cap. 1.

Act requiring all Judges, and Officiars, to put the Laws against Popery, and Papitts, and against Fanatical Separatists, and all Fanatick diorders, to full, and vigorous Execution, and that every Minister give up yearly in Odober, Lists of all sitch in their Paroch, to the Bishops, and that the Bishops transmit adouble thereof for Execution to the Judges Ordinary, who are to give an accompt of their diligence to the Countil yearly in December, and another double thereof to the Clerks of Council, whereupon the said Diligence may be Examined, and Controlled, Car. 2, p. 3, cap. 6.

REMISSION, and RESPITE.

Where Remissions, are given with condition to asyth the Party, yet the case of Highland men is excepted, and Modification of mends appointed to be made in their case, as in the Act, lam. 1. p. 2. cap. 46.

He who takes him to his Remission for Theist, or Reiss, should find sicker Burrows, to content the Party within fourty dayes, lam. 2. par. 14. c. 74.

That no Respits be granted, and that they are more against suffice then plain Remissions, lam. 3. p. 13. cap. 94.

That Remissions expreem, and declare the greatest Crime, otherwise shall not save from a greater Crime, then the special Crime expressed, lam. 4. par. 6.

not fave from a greater Crime, then the special Crime expressed, Iam. 4. par. 6. cap. 62.

That no Remission be given for slaughter, on fore-thought sellonie, & this statut to endure till specially revocked by his Majesty, Ibid. c. 63. Who takes him to the Kings Remission, or Respite, for any action, except slaughter, and mutilation, and finds Sovery to affir the Farty, the Soverties may be called before the Lords of Session, and the action is Priviledged as in recent Spuilzies as for slaughter, and mutilation, that the order of the former Act be keept. Iam. 5. p. 3. cap. 7. What Act is meant by this former Act is not express, it may be the former Act forbidding Remissions.

General Remissions of Treason granted be King James the Fifth, Iam. 5. par. 6.

eral Remission of Treason granted be King James the Fifth, Iam, 5. par. 6.

cap. 92.
The King at the defire of the States, clofes his hands from the granting of Remillions, or Refpits, for three years: That the Remiflions bear the Party to be affithed, and if the contrary be found, the Remiflion to be null, lam. 6 par. 8.

affithed, and if the contrary be found, the Remission to be null, sam. 6 par. 8. eap. 136.

The King at the requeist of the Estates, promises to close his hands from granting any respite, or remission, for any odious Crime shall be committed for five years thereafter, except upon a sufficient Letter of Slayns shewn: And if any Remission shall be otherwise granted, it is declared null, and the Act provides for Assistance and States and S

REMOVING, See Wairning.

That Tennents labouring, and inhabiting, cannot be removed upon the change of the Lands to a fingular Succeflor, but at the Whitfunday thereafter, Ia. 4. p. 3. eap. 26. See it in Tennent.

of the Lands to a fingular Successfor, but at the Whitfunday thereafter, Ia. 4, p. 3. cap. 26. See it in Tennent.

That Removings be made in quiet manner, without Convocation, under the pain of unlawful Convocations, Q: M: pi 3, cap. 3.

The order of Redemption being duly used, and the Party, and all other occupyers. lawfully waitned, before any Whitsunday, after the Redemption, the order being declared, the Farty shall be lyable as a violent lossessor, for the said terme, as if the Land had been granted lawfully redeemed the time of the order. Q: M: pat. 6. cap; 30.

That removings proceed upon lawful waitning, (as in wairs 192) and that the Summonds of removing be on sex dayes, and if at the day of competance the Defender make alledgance, and offer to improve the Indostation, that then he be put to find Caurion instandy for the violent profits; that for discussing of removings, Sheriffs, and all ludges having luttidiction, sit in lawful Courts, the whole instead and all sudges shaving luttidiction, fit in lawful Courts, the whole instead lawful dayes after Trinity Sunday, and if the faids ludges grant not Pricepts, and doe not suffice, that they pay to the Party all his damages, this, 2ap. 39.

RENTALS.

That all Rentals of the Kings property not being fewed to men, and their Airs, ave only the effect of naked Life-tents, la. 6. p. 11. cap. 68.

REPLEGIATION.

Where Replegiation is lawfully made, the Process led in the contrary is of none avail, lam. 6, p. 11. cap. 29. See Regality.

RESCISSORIE ACTS.

A& rescinding the Committees, and Parliaments, that sat after the Parliament, 1648, and all their A&s, excepting such as were past in meetings of Parliament, or Committee, authorized by his Majesties presence, and not Inconfistent with this A&t, and also Indemnifying all those that A&ted in all the saids Committees, and Parliaments, or be vertue theterof, except as to be thereafter excepted in this Parliament, Cat. 2: p. 1. Sess. 1. cap. 9.

A&t rescinding the Parliaments 1640, 47,44,45,46,47, and 1648, and all their A&s, but Indennifying those that A&ted in or by vertue thereof, (except as to be excepted in this Parliament) and also declaring, all A&ts, Rights, and Securities, past in these meetings, or be vertue thereof, in favours of any particular Ferson, for their Civil, and Privat Interests, to stand gude, untill considered, and determined in this Parliament, Ibid. cap. 15.

RESIGNATION.

Procuratories of Relignation ad remarchiiam should be fealed, and subscribed by the Granter, or an Notar for him, or if the Vassas make the Resignation Perfonally, then the Instrument should be so tealed, and subscribed by him, otherwise the Resignation makes no faith, Q: M. p. 6, cap. 38. This Act dispensed with for bygones, and until the first of March, 1563, Q. M. p. 9, c. 81.

Instruments of Resignation ad remanentiam, should be Registrar, Car. 2. par. 2. Sell. 1. cap. 3. See Registration.

RETOUR, See Precepts.

The Retour flould contain the old avail, and also the true avail the Lands are worth the time of serving of the Breive, Jam. 3. p. 7. cap. 56.

REVERSION.

That Reversions be effectual upon payment of the sums therein contained, against the singular Successor of the Granter, and they may be Registrat for Conservation, and that the extracts make faith as the principals, Jam. 3. par. 5.

ap. 28.

That all Reversions, Bands, and discharges thereof, be made under the seal, ind subscription of the Granter, and if the cannot writ, that he subscribe by an Notar, and that all Writtings bearing, or for giving Reversions, make no faith miles Registrat in Judgment, in the Books of some ordinary Judge, except astruments of Reversion within Burgh, taken the time of the Resignation, and Saifan, before the same witnesses, which are declared to make faith, Q. M.

par. 6. cap. 29.

That where Reversions contain special Gold; or silver, not now to be had, the Reverser may redeem by giving Gold, and Silver, having course for the time, of the same weight, value, and sinness, Ibid. cap. 37.

REVOCATION, See Annexation, and Diffolution.

Revocation of all Allenations of Lands, and Gudes, that were in King James the First his Possession, the time of his decease, made without consent of the three Estates, and that an Inventar be made of the Kings Gudes, and none of his Lands Annailzied, without consent of the three Estates, until he be of the age of Twentie ane years complete, otherwise the said Alienation to be null. Jam 2.

three Estates, and that an Inventar be made of the Kings Gudes, and none of his Lands Annailzied, without consent of the three Estates, untill he be of the age of Twentie ane years complete, otherwise the said Alienation to be null. Jam 2. par. 1. cap. 2.

Revocation by King James the Third, of Alienations prejudicial to his Airs and Crown. Conversions of Waird-holdings unto Blanch, making of Tailzies, as being against Conscience, or gifts of keeping of Castles longer then during will, Ia. 3, p. 9, c. 71.

Revocation by King James the Fourth, of all deeds done by King James the Third, after the second of February, 1488. As granted for the assistance of the pervetic Council , that were against the common good of the Realm, and cause of his slaughter, Ia. 4, p. 1. c. 5. And that the receivers of these Gifts and Deeds bring in the same within tourty dayes, to be desitoyed, Ja. 4, p. 2, c. 2.

Revocation of all Gifts given by King James the Third, after the second of September, 1487. As also of all Resignations received by him, and Insestments thereon, after the said day, in prejudice of the righteous Airs, as being granted by the King, misled by all Counsel, and the same are declared to be void and null. Ia. 4, p. 4. c. 50.

Revocation by King James the Fourth at his perfect age, after the priviledge of common Law, whereby upon the ground of Lesion and his Coronation Oath, he tevokes, 1. All Alienations made by himself, or his Fredecessors, of Lands, and others annexed to the Crown, or to the Principality. 2. All Gifts and Grants made in his non-age, as also gifts of Offices for Terms, and Tacks of long Terms. 3. All Tailzies from Airs General to Airs Male. 4. All Possessions per taining to him or his Fredecessors, 5. All change of Holdings, from Ward to Blanch. 6. All Regalities and Offices given in Heretage against the Asts of Patliament. 7. All Gitts of Bastardries, or other Cassalities given by him in his Minority. 8. All Erections and Unions of Lands in Baronies, and discharges of Services and Suits. 9. All C

Revocation by King 7 and the Sixth, in the year 1585, before his Majority, of all deeds done in prejudice of the Annexed Property, and that notwithflanding of any Ratification or Confirmation thereof by Parliament, or otherwife. And the King promifes to observe the good form in his House to be prescribed by the Lords of Privy Council, and the Officers of State appointed by the Parliament, Ia:

any Astification or Confirmation thereof by Parliament, or otherwife. And the King promifes to obletive the good form in his House to be prescribed by the Lords of Privy Council, and the Officers of State appointed by the Parliament. In Section by King James the Sixth, bearing in the Nartative, to be made after his perfect age of twenty one, and long within his age of twenty five years compleat, and containing almost the same Heads with that of King James the Fourth, but more fully extended, and clearly qualified, as here Tacks for above the space of five years are revocked, as long Tacks, as also the conversion of Few-ferm into Silver Duty, from the head tevocking Tailties, Tailties made in new Conquest are excepted, as not being against the Conscience, Waird holding changed to Blanch, and Regalities gifted in the Kings Minotity are revocked, Presentations to Lands holden of other Superiors are excepted from the Revocation of Gifts of Bastardries, last Airs, and Fotefaulters. And the King revocks all Gifts of Thirds of Benefices, Kirk-Lands, Common Kirks, Monks portions, first Fruits, and first Penny of Benefices, Fatronages, and superplus of Benefices, and genetally all things done in his Minority against Conscience, and prejudicial to his Crown, and what the Law allows him to tevock, and swears to keep and retain the Annexed property, conform to the A&1. Is: 23; 17: 11: 4: 14. 16: 59; 17: 11: 4: 31.

*Revocation by King Charlet the First, very full and ample, but consisting of the same the Heads with these proceeding, only these particulars are gioted, All Dispositions of the Annexed Property are revocked, except where dissolution was made in Parliament in the Kings Majority. The King also revocks all Gifts of Bastardrie, last Air, Recognitions, and Forefaultors gifted by any King in his Minority, with all Confirmations thereof in Passiantar, excepting Presentations to Tennendries, as in King James to the Sixth his Revocation, as also all discharges of Service, and Suits of Court given against the Law, as al bit suggest records, according to the preceding of the second, Car. 2. p. 1. Sell 2. c. s.

General Revocation by King Charles the Second, Car. 2. p. 1. Sell 2. c. s.

RIDING. See Sorners.

That so man ride or gang with moe men nor may fuffice, and for whom he will make payment, la. 1. p. 1. c. 5.

RISING in ARMS. See Rebellion.

That no man raise any Bands in Arms for Wages, without licence of the Queen, ader the pain of death, both to the Raisers, and Rifers, Q. M. p. 9. c. 75.

This Act, with some Extensions, applyed to Burghs, Ibid. cap. 83. See in

ROBBERY, or REIF. See Spuilzie.

That no man reive anothers Goods or Prisoner in English Eird, or in Scots, under the pain of Death, la 2. p. 12. c. 53.

ROBIN HOOD. See Playes. ROME. See Benefices, and Clergy-man.

All Causes depending at Rome, or before its Courts, or Delegats, should be tryed and decided before the Judge Ordinary within the Kingdom, and Appellations made to Rome should be determined by the Lords of Session; And this Act to have effect from Angust, 1560. Ja. 6. p. 6. c. 117.

RUICKS.

That Ruicks be not suffered to big in Trees, and where it be tainted, that they big, and the Birds flown, and the Nests found at Beltan, that the Trees be fore-faulted to the King, with five shillings unlaw, la. 1. p. 1, c. 19.

SABBATH, and HOLY-DAYES.

That there be no Fairs holden on Holy-dayes, but the morn after, and that there be no Removings nor Poyndings uled untill the third day after Winfunday, or Martimet, Ja. 3. p. 6. c. 35. and Ja. 4. p. 6. c. 38. And that Fairs be not held within Kliks, or Kirk-yards, Ibid: Ratified, and Mercats and Fairs discharged on the Sabbath, and that no handy labour be used thereon, under the pain of ten Billings Scots, nor Gaming, Flaying, passing to Tavems, or Ale-houses, selling of Meat and Drink, and wilful remaining from Kirk the time of Sermon, or Frayers, under the pain of twenty Billings; And if the Offenders be unwilling, or unable to pay, that they be put in the Stocks or Joggs: And the King is to appoint Commissioners in every Paroca for executing of this Aft, Ja, 6.

King is to appoint Commissioners in every Parock for executing of this Act, Ja, 6. p. 6. c. 70.

Ratified, charging all Judges and others whom it shall please Presbyteries to name, to put away the saids Fairs and Mercats, and that Letters be direct at the inflance of the Presbytery against them for that essential the saids of the saids of the Sabbath, and added, that who sells, for presents to sale, any Goods on the Sabbath, and saids will, Ja. 6. p. 14. c. 158.

Act for changing of Mercats from the Sabbath to any Week Day, Ja. 6. p. 12. c. 122. And that no Mercats be kept in Burghs on Munday or Saturday, Car. 1. p. 1. Sess. 3. c. 19. See both in Mercats.

Ratification of all Acts made for the observation of the Sabbath, and discharging all Salmond Fishing, going of Sale Fanns, Milns, or Kills, hiring of Shearers, carrying of Loads, keeping of Mercats. and using of Merchandice on that day, and all other profunations thereof, under the pain of ruenty pounds for Sale Fann, Miln, or Kill, and con pounds for each other Profanation, to be applied as in the Act anent Justices of Peace, and that the Insolvent be punished in their persons. Car. 2. p. 1. Sess. 3. c. 22. See it in Profancess.

SACRAMENT. See Baptifm and Com munion.

That none Administrat the Sacraments secretly, or any other way that have power for that effect, Ia. 6. p. 1. c. 5.

That all sayers and hearers of Mess, and profaners of the Sacram tinsel of Simple and life-rent Escheat, Ia. 6. p. 11. c. 24. See Mess. is fecretly, or any other way ; except they

SALE of LANDS. See Bankrupt. SALMOND.

Salmond fould not be flain in time forbidden, under the pain of fourty fillngs, and for the third time the flayer to tine his life, or then buy it, Jam. 1. par.
cap. 10.

Salmond should not be slain in time forbidden, under the pain of fourty shilings, and for the third time the slayer to tine his life, or then buy it, Jam. 1. par. 1. cap. 10.

That no Salmond be slain from the Feast of the Assumption (15. of Angus) until the Feast of St. Andrews (30. of Nevember) under the pain of slaying of Red-Fish, and this to be a point of Dittay, Ja. 1. p. 2. c. 34. But the Waters of Solway and Tweed are herefra excepted, so long as Berwick and Rexburgh are in the English hands, Ja. 1. p. 9. c. 131.

That Custome be payed for all Salmond, and other Fish had out of the Realm, as well by Inhabitants as Fremmed Fersons, Ja. 1. p. 5. c. 76.

That no Salmond be fold or bartered with any man that hath it out of the Realm, except for English Money for the one half, and Gassingnie Wine, or good pennyworths for the other, Ia. 1. p. 10. c. 132.

That who slayes Salmond in forbidden time, pay for the first fault fourty shillings, for the lecond four possads, and for the third shall time his Office for ever; and this extended to Art and Part, Ja. 2. p. 5. c. 8.

That no man slay Red-Fish in forbidden time, under the pain of ten possads, and that for the third time he buy his life, Ja. 2. p. 14. c. 85. And Ja. 4. p. 2. c. 15. And that for the third time the Committer tine his life, la. 4. p. 6. c. 73.

That the Ads made upon them that slayes Red-Fish, Smolts, and Salmond, is time forbidden, be put to sharp execution, Ja. 5, p. 4. c. 16.

That no man in Smolt time fet any Engine to hinder them to go to the Sea, under the pain of ten possads, Ja. 2. p. 14. c. 80. And for the third fault tinsell of life; and that the Sheriff dettroy all such Engines, Ja. 3, p. 5. c. 38. Ja. 4, p. 2. c. 15.

The Ads assent the slays here of Black-Fish and Smolts Ratified, and that Courts be held yearly, at Pass and Martimes, against the contraveners, and that they be put to find Caution under the pain of an isonadred possads; but the Rivet of Twesd excepted, Ja. 6, p. 1. c. 30.

And thit Adsaser Ratified, and all Judges Or

travecners, albeit the power before was restricted to the Sheriss. Jam. 6. par. 14-cap. 224.

The former Acts Ratissed, and that all having Land next adjacent to Waters and Rivers where Salmond are taken, find Caution acted in the Books of Council, to be answerable for their Tenneuts, and the Indwellers in their Bounds, whom they may stop or let, that they shall not slay Salmond in forbidden time; The Earl, or Lord, under the pain of a thou shand merks, and the Baton, and all others, under the pain of for hundred merks, half to the King, and half to the Judges appointed by the former Acts, and that Letters be hereupon direct at their instance; But the Waters of Annand and Tweed, as being in the Borders, are excepted from this Act, Ja. 6. p. 15. C. 261.

That slaying of Salmond in forbidden time, or of Kipper, Smolts, or such Black Fish at any time, be punished as Theist, according to the Committees Tank and Estate; and the Waters of Annand and Tweed are again excepted. Ja. 6. p. 16. C. 11. But this exception upon his Majesties Succession to the Crown of England is sumpliciter discharged, and the pain of Theist and Death universally extended, Ja. 6. p. 18. C. 3.

P.18.c. 3.

That Salmond be packed in Barrels of the measure of Hamburg, after the old Afle, and in none smaller, under the pain of Escheat of the Salmond, and that the
Cowper that makes smaller Barrels pay five pounds of unlaw, Jam: 3: pag: 103

Cowper that makes smaller Barrels pay poor powers of the pain of Escheat of the Barrel, and that each Burgh have three Hoop Irons, and a Burning Iron, for measuring and marking, [4:3] p. 14.5 (110.

That in Barrelling of Salmond, the old Bind of Aberdene be observed, under the pain of ten failings of unlaw, to be payed by the Cowper. [4:4:p. 4:6; 52.

That the Cowper and the Town have Burning Irons for marking the faids Barrels, and what is not so marked to be Escheat, half to the King, half to the Town. Jam:

and what is not so marked to be Escheat, half to the King, half to the Town, Jam: 5, p. 7, c. 109.

That the Salmond Barrel contain Twelve Gallons, and the Herring and White Fifth Barrel, Nine Gallons of the Striviling Pint, and be marked by the Cowper, under the pains in the former Laws, Ia: 6: p: 4: c: 37.

That there be a just Standard made for Salmond, conform to the old Acts, to be kept at Abridans, and Staples also are appointed for Salmond, as in the Act, Ja. 6. p. 8. c. 141.

kept at Aberdens, and Staples also are appointed for Salmond, as in the AG. Ja. 6. p. 3. c. 141.

AG Ratisfying all AGs made anent Salmond shiing, the sufficiency of the Barrels, and Loyal Packing theteof: And farther, that Cowpers make the Barrels good and tight, as in the AG. containing no less then Ten Gallons of the Striving Pins, conform to an AG of Council, 12. July, 1819. here Ratised, under the pain of five pounds for every insufficient Barrel, and Escheat of the Barrels and that the Barrels be marked by the Cowpers Birn on the Tapon Staff, and the Cowpers lyable for the Merchants loss, and that the Barrel be marked with a particular Merchant mark, and that none counterfeit anothers mark, under pain of Consistent on of the Salmond, attour the Countersteiters punishment at the pleasance of the Judge, one half of the pain to the King, and the other half to the Burgh injured; and that the Magistrats in Burghs put this AG to execution, Car. 2. p. 1. Self. 1. c. 33.

SALT.

Priviledges granted to the makers of Salt of a new fathion, that none make, or cause be made the like, without the Queens licence, for the space of fifty years, under the pain of death, and Consistence, so the Lands and Houses where the Salt is made, Q. M. p. 9. c. 71.

That Salt be not exported for three years to come, except in exchange of Timberimported by Strangers, under the pain of Eschear of the Salt, Ship, and other Moveables of the exporters. Ia. 6. p. 4. c. 36.

Act discharging all pre-emption of Salt, as also the Excise of all Salt made which the Kingdom, and that each Boll of Forraign Salt, Linkstyan Mediure, pay four-ty shikings, whether imployed on Fishes, or not; and that therefore all Fishes exported, be free of Custome: and all Acts in the contrary are Rescinded; and that the Custome of Salt continue as in the Book of Rates, Car. 2. par. 2. Sess. 4.

SALTERS. See Coalliers.

SOWING. See Labouring. SCHOOLES.

That all Barrons, and Free-holders of substance, put their eldest Sons, and Airs to Schooles, to learn Latine, and Arts, and Jure, that they may understand the Laws, under the pain of Twentie pounds, Jam. 4, p. 5, cap. 54.

That all Schooles, and Colleges, be reformed, and none admitted to instruct the youth privatly, or openly, but such as shall be tryed by the Superintendents, and Visitours of the Kirk, Jam. 8, p. 1, cap. 11.

Ratification of the Act of Council, tenth of December, 1616. for planting of Schooles, and the Bishop of the Diocesie is impowered with consent of the Herctors, and most part of the Parochiners, or if the Herctors refuse, with consent of the faids Schooles, and Letters are ordained to be direct at the School-masters influence. Sc. And if there be any complaint, the Lords of Council are to hear, and determine it, Cal. 1, p. 1, cap. 5.

That none be admitted to teach any publick School, without Licence of the Ordinary, Cat. 2, p. 1, Seff. 2, cap. 4.

SCOTIA NOVA, or NOVA SCO-

Ratification of the Charters, and Infefrments, granted to the Viscount of Sterling, his Airs, and Affigneyes, and of the River, and Gulf of Canada, and Bounds and Priviledges therein contained, specially these Charters following, one of the date the tenth of September, 1621. Another the twelfth of July, 1625. Another the third of May, 1627. Another the second of February, 1628. with Signatour dated the 24. August, 1633. As also of the Ast of Convention the sexth of July, 1630. Approving, and confirming, the dignity, and order of Knights Barronet, and all following thereon, Car. 1. p. 1. cap. 28.

SEAL, and SEALING, See Subscription.

That the Great, and Privy Seals, be appended to Charters, and other Writs written Book wayes, as well as Brood-wayes, and that upon an Tye, or Band, going through all the Leaves in the Margine, Car. 2. par. 2. Seff. 3. cap. 7.

SEASING.

That all Seafings upon precepts forth of the Chancellary, be given by the Sheriff Clerk, and other Seafings by famous Notars, 1am. 5. p. 6. cap. 77. But this Act dispensed with for bygones, in respect of the troubles, and ratified for thereafter, with this addition, that the Sheriff. Stewart, or Baillie of Regality, or Royalty or their Deputes, be required to give the saids Seasings. Which if they refuse, the Party may make another Baillie, Q: M: par. 6. cap. 34. Anno

fuse, the Party may make another Baillie, Q: M: par. 6. cap. 34. Anno 1555.

But it is again dispensed with for bygones, and until the first of March, 1563.

Q: M: p. p. c. 80. And both these Acts are thereafter restricted to precepts on retours, and Seasings thereupon, la: 6: p: 18. cap. 15.

That all Seasings not given on precepts forth of the Chancellatie, be within year and day presented to the Sheriff Clerk, and the same or a brieviat thereof insert in his Books, for which the Clerk should get rue shillings, and that the Clerk bring yearly to the Exchequer, the Books of the saids Seasings, and leave a double thereof, figned by him, with the double of this Protocol, to remain in the Register, Q: M: p. 6. cap. 46. Renewed lam. 6. p. 11. cap. 64.

That no Seasing be given within Burgh, but by one of the Ballies, and the Commoun Clerk, otherwise to be null, lam. 6. p. 1. cap. 27.

One Notar, with a sufficient number of honest witnesses, sufficient in Instrument of Saising, la. 6: p: 9: cap. 4. See Witnesses.

That Instruments of Saising be Registrat within sextie dayes, lam. 6. p. 22, c. 16. See it in Registration.

See it in Regiftration.

SEPARATION.

That fuch as ordinarly absent themselvs from their Paroch Kirks on the Lords day, incurre the pains following, each Noble-man, Gentleman, and Heretor, the loss of a fourth of each years rent, in which they shall be convicted; and each Yeo-man or Tennent, the loss of such a part of their Moveables, as the Lords of Council shall modifie, not exceeding a fourth, and every Burges his Liberty, and the fourth of his Moveables: And the Council is to execut this A& against all, who after Admonition of the Minister, before two sufficient witnesses, as they shall be given up to them, with power to them to inflice farther corporal pains, as they shall judge necessary; and to doe every other thing for procuring obedience to this A&, and for the executing thereof, Car. 2: p. 1. Sess. 3. eap. 2. This A& contains also a Ratification of the sirtle, third, and fourth A&s of the second Session of this Parliament.

That all his Majestics subjects of the reformed Religion, attend the Worship in their own Churches, and that who shall with draw for three Lords day together, without just excuse, be sinced as in the A&. Which A& the Sheriss, Srewarts, Lords of Regality, and Magistrats of Burgh; are to execut, and are allowed to have for themselvs all the sinces; except these of Heretors, for which they are to be compatable to the Thelaury: And if an Heretor, Life-renter, or Wodstere, fined, thereafter obstinatly with draw for a year, the Council upon the Inserior Judge his Delation, may put them to signe a band not to rise in Arms, &c. Which if they refuse, they are to be secured by Banisment. or otherwise they amint to the king their simple, and Life-rent scheat, and this A& is appointed to continue for three years, unless his Majesty continue it longer, and that it be without prejudice of the Churchs Censures. Cat. 2. par. 2. Sess. 2. cap. 7.

This A& continued for three years after the expiration of the fift three years, and longer as his Majesty shall be pleased to appoint: And that Magistrass of Burghs execut the same upon their

SERJAND, See Mairs, and Messengers. SERVANT.

A hired Servant from Martimess to Whirstanday, may be detained by his Master, or compelled by a lustice of Peace, to stay with him for the same hire, from Whissanday to Martimess, unless the Servant can verifie, to the Justice of Peace, or Constable of the Bounds, that he is hired to another Master, and a lustice of Peace may compel a Servant running away, to return to his Master: As also all Loose-men, and Women, to serve for competent hire, and Labourers may apprehend all such within their bounds, and imploy them in their works, Jam. 6. Past. 24, Cap. 21.

SESSION.

The Chancellour and certain Persons of the three Estates, to be chosen by the King, appointed for the Session, and to sit three times in the year, where the King shall please, for all Causes, proper for the King, and his Council, Jam. 1. p. 3.

that preate, for all Causes, propers or the commission of Parliament, given to a gude Number of the three Estates, are impowered to know on all Civil actions, not concerning see, or Heretage, and ordained to Cause the Party in the wrong, pay to the other his expence, lam. 2. par. 14.

the Farry in the wieng, pay to his gauses before the saids Lords, and cap. 61.

Add feting down the manner of bringing Gauses before the saids Lords, and that the other causes their mentioned . be utterly decided by them, without remeed of Appellation to King, or Parliament. Ibid. cap. 62.

That those Lords bear their own Cost, their Charge not being great, and that the better to help, they have the Kings unlaw of their Court, which is Fourist shillings, to be devided betwirt them, and the Clerk Register, Ibid. cap. 62.

That thole Lerds bear their own Coft . their Charge not being great, and that the better to help, they have the Kings unlaw of their Court, which is Fourte faithing; to be devided betwirt them, and the Cletch Regilter, Isid. cap. 63.

That in place of the Lords of Seffion , the King choofe a Council to fit continually in Edinburgh, or where the King pleafes to decide in all Civil Maters, Jam. 4p. 6, cap. 54.

The Infilitution of the Colledge of Julice, commonly called the Seffion, for doing Julice in all Civil Maters, and that it confift of fourteen, half Spitimal, half Temporal, with a Trefident, and they are authorized, to decide upon all Actions, Civil, and none others to have vore with them, lam. 5, par. 5, cap. 36.

That they begin to fit at Edinburgh, and at what times, Isid. cap. 37.

That they begin to fit at Edinburgh, and at what times, Isid. cap. 37.

That they begin to fit at Edinburgh, and at what times, Isid. cap. 37.

Thoughing the Lord Chancellor being prefent, have a vote, and be principal, and that also three. or four more of the Kings great Council to be named by him, have vote with them, Isid. cap. 40.

That the fiftsen Lords, then nominat, fublicibe all Deliverances, and none others, Isid. cap. 42.

Command is great as the Lords, so conclude upon Rules. and Statutes, to be keep in their order of proceeding, which the king promifies to Ratific, Isid. cap. 44.

Follows the Rules and Orders then feet down, and frift the division of the Realm in Quarters, Isid. cap. 44.

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Follows the Rules and Orders then feet down is a cap. 45.

That all other the King Queen, and Strangers Maters, Isid. cap. 45.

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That all other the King Queen, and Strangers Maters, Isid. cap. 45.

That all cap. 46.

That the Lords be fifted, an

That there be ten Advocats appointed to be general Frocurators of the Council, and that they ferve all men for their wages, and that they be fwom to be faithful. cap. 64. and 65.

That Advocats remove with the Parties, and enter again with them, at the giving of Inter-loquutors, cap. 66. That an Dilator, being repelled, all the other Dilators be proponed at once, and that no Advocat, except the Kings Advocat, pley within the Bar, cap. 67. Follows the Kings gude mind anear the Lords, where in he ratifies the foregoing Statutes, and promifes not to charge, or defire them to doe otherwife in any Matter, then as Jultice requires, and to maintain, and defend their Fersons. Lands, and Gudes, from all wrong, and because the faids Lords prefents his Majestuse Ferson, and bears his Authority, the King promises to give no Credence to any that Murmures them, but first to call them, and if found culpable, to punish them, and if not to punish the Complainer, with all rigor, and farther exeems them from all Taxes and Burdens, and from bearing all Offices, except they please, with power to them to punish such as a laying them, with Imprisonment, in any of the Kings Castles, and if the Injurie be great, that the King be advertised, that he may gar the same be punished, and this Ratification the King Signes, and Ordains, to be Registrat the Tenth of Taxe

of June the nineteen year of his Reigne , which was the year , 1533. Ibid.

of Jame the nineteen year of his Reigne, which was the year, 1533. Ibid. cap. 63.

Raification of the College of Justice, and of the Popes Approbation, and Confirmation thereof, with power to the Lords, to make Acts, and Statutes, for ordering of Process, and haiftie expedition of Justice, and that in the absence of the President, and Vice-president, the eldest Senatour in Jorder preside for the time, Jam. 5. p. 7. cap. 93.

Ratification of the Institution of the College of Justice, and that Letters be direct against the Presats, for geing in the Contribution money due to the Lords of session. O. M. p. 2. cap. 2.

Ratification of the Infitution of the College of Juffice, and that Letters be direct againff the Frelats, for geing in the Contribution money due to the Lords of Seffion, Q. M. p. 2. cap. 2.

The Lords of Seffion are declared to be Judges competent, to the Reduction of Infertments, albeit confirmed in Parliament, Iam. 6. par. 1. cap. 18.

Upon a complaint by the Lords of Seffion, of Privy Charges direct to them, by the, King and his Council, to forebear, flay or remit Process to the Parliament, or to flop Execution. its declared, and ordained, that the Lords proceed in all Cavil Caufes intended before them, and caufe Execut their Decreets, notwithflanding any privat writing. or command, at the inflance of any Party in the contrary, lam. 6. p. 6. cap. 92.

That no Lord of the Seffion, by himfelf, his Wife, or Servants, take bude pribe, gudes, or geir, either fra Perfewer, or Defender, under the pan of Deprivation, Infamy. and eicheat of moveables, the an half to the King, and the other to the Revealer, and the Offenders Perfon to be in the Kings will: That the King find Inominat to be Lords, men fearing God, able, and having fufficient living of their own, who shall be tried by a number of the Lords, and in case the Perfon prefented shall not be found so qualified, the Lords may reture him, and the King should prefent another, and the President shall be choosen by the whole Senatours, either of the Spiritual, or Temporal Estate, and to they may also elect, a Vice-persident, in the absence of the Chancellour, and President, Jam. 6. par. 6, cap. 93.

par. 6. cap. 93.

Ratification of all Statutes made by the Lords, for Expedition, and Execution

That there be payed to the Lords by the tiner of the plea rweive pennies, per pennd, where the subject is liquid, and Five pennds where it consists in Falls, and that by the same order as was observed in their uptaking of Fennies shillings of each Decreet of before, Jana. 6. par. 11. cap. 43. (See Jam. 2)

fillings of each Decreet of before, Jam. 6. par. 11. cap. 43. (See Jam. 21 p. 14. cap. 63. here.)

The Lords are declared Judges competent to the Interpretation of the Act of Oblivion, nine Ordinaries being alwife prefent, as in the other causes at the pronouncing of Inter-loquutors, and Decreets, Ibid. cap. 44.

Because the Lords of Session are appointed for the decision of all Civil Matters, Therefore the King declares his mind by Act of Parliament, that to all Vacations in the Session, he will prefent men feating God, of good learning, knowledge, and practique of the Laws, having sufficient living of their own; And farther, it is Statut, that no man be received to be a Lord of the Session, unless he be sufficiently tried, and known by the King, and Lords, and have in yearly Rent a thoughand merks; or twentie Chalder of victual, and be of the age at least of twenty five years complete, otherwise his Presentation, and Admillion to be null, la: 6. p. 12: 6ap. 132.

The Modification of Affirhments for Crimes committed fince the Kings Coronation, reterred to the Lords of the Seffion, Iam. 6, p. 12. cap. 155.

Ratification of all Priviledges granted to the Senators of the College of Juffice,
and Members thereof, notwithitanding of any Act, or Statut, special, or general, in the contrary, Iam. 6, p. 13, cap. 170. The same Act repeated verbatim
(which seems to be by some militake) Ibid. cap. 183.

Another ample Ratification in their favours including also the Lord Chancel-

(which feems to be by fome militake) Ibid. cap. 183.

Another ample Ratification in their favours including also the Lord Chancellor. Iam. 6. p. 14. cap 211.

To firick, hurr. or flay any Person, within the inner Tolbuith, the time that the Lords are siting, declared to be treason, and to doe the same within the outter, Tolbuith the time foresaid, is death, lam. 6. p. 13. cap. 173.

No Lord of the Selsson Ordinary, or Extraordinary, may sit, or vote, in any cause, where the Persewer, or Desender is either their Father. Brother, or Son. Iam. 6. p. 14. cap. 212. Extended to the like degrees in affinity, as also where the failst Lords are Uncless or Nephews to the Parties, Car. 2. p. 3. cap. 13. See the Act in Declaratory.

faids Lords are Uncles of Nephews to the Parties, Car. 2. p. 3. cap. 13. See the Act in Declination.

The Harvest Vacance appointed, to begin the first of August, because of the Harvest, and that the Lords are content to enter every day, during the Summer Session at eight in the morning, Jam. 6. p. 14. cap. 213.

That no Member of the College of Justice buy Pleyes, Ibid. cap. 216. See it in Pleyes.

Commission to the Lords of Session, to decide the Action of Reduction of the Fore-saultour, of James Wood, Appearand of Banniroum, Jam. 6. p. 17. the 5. of the un-printed Acts.

The Lords of Session declared to be the Kings great Consistory, and an high

the un-printed Acts.

The Lords of Session declared to be the Kings great Consistory, and an high Supream Commission granted to them for all Consistorial Causes, providing nevertheless they be still Accountable to his Majesty, Jam. 6. par. 20.

cap. 6.

Act in favours of the Lords of Session, for ten thousand pounds to be payed to them yearly, out of this Majesties Customes, which are for that end, and in so far disloved from the Crown, and all Intrometrors with the saids Customes, are made lyable to the Lords for their better payment, and Caution is appointed to be found by the Customers for that effect, in manner set down in the

prointed to be found by the Cultomers for that effect, in manner fet down in the Act, loid cap. 11.

The Lords of Session appointed to be Judges betwirt the Patron, the Person presented, and the Bishop, anent Pactions betwirt the Patron and Intrant, whether Simoniacal, or not, la. 6, p. 21. c. 1.

Taxation of ten loid stings the pound Land of old extent, for the Estate of Barons, and Free-holders, and in proportionally for the Spiritual Estate, and Estate of Butrows, granted to the Ordinary Lords of Session for increase of their stock, and that yearly, for four terms or years, beginning the first term at Martimes, 1632, and the last to be Martimes, 1636. Cal. 1. p. 1. c. 22.

General Ratification in favours of the Colledge of Justice, loid, c. 23.

That when the Lords of Session ordain surves of the pound to be payed in any Decteet, the same shall not be payed by the obtainer, but by the Parry against whom the Decreet is obtained, and the not payment by the obtainer shall be no stop to the Extracting, Cal. 1. p. 1. c. 26.

The judicial proceedings under the English Usurpers before the Commissioners for administration of justice, who sam plained the reposition of a sam less of the session. Astisined, but so as any less determined the session shall be no stop to the Extracting, Cal. 1. p. 1. c. 26.

The judicial proceedings under the English Usurpers before the Commissioners for administration of justice, who sam plained the session of the Session. Ratificed, but so as any less determined the sound string thereof, or of the Farry less is attaining to Majority, if he be now Minor, Cal. 2. par. 1. Session of Justice.

Ratification of all priviledges and Acts in favours of the Colledge of Juftice, Scuators, Advocats, Clerks. Writers to the Signer, and remanent Members of the fame, declaring that the whole priviledges granted and belonging to the Lords, and Senators thereof, shall belong to all the reft, in all time coming, Ibid. cap.

Twelve thousand pounds Sterling given to the Lords by way of Assessment, for bettering of their stock; and the Act assessment Lords of Session to be the Supream Judges under his Majesty, in all Civil Causes, bid. c., 50.

Other ten thousand pounds yearly, beside the ten thousand pounds granted by King Tames the Sixth, p. 20. c. 11. (above) given to the Lords of Session out of the Customs, and whole sum of twenty thousand pounds yearly, equally secured by

both the Acts, and appointed by this Act to be payed together. Car. 2. p.

Self. 2. c. 7.
 Ratification of the priviledge of the Ordinary Lords of Selfion. as to their exemption from all burden imposed, or to be imposed by this or any other Patlianers.

Marincation of the priviledge of the Ordinary Lords of Session. as to their exemption from all burden imposed, or to be imposed by this or any other Parliament, Car. 2: p. 2. Sess. 2. c. 8.

Act regulating the order of Process, and methods of proceeding before the Session; as also, all Advocats, Clerks. and Writers Fees, with the manner of keeping the Regulters of Homings, Inhibitions, Interdictions, Seasings. Reversions, and others, Car. 2. p. 2. Sess. 3. c. 16.

The Summer Session suppress and discharged, and the times of the Session year-lay appointed to be from the first of November until the last of March, excepting the surcease from the twenty fourth of December until the first of January, Car. 2. p. 3. Sessi. 1. c. 7.

SHERIFF. See Judges.

That the Countrey, all, or part, hearing the Kings Horn, or thereto warned, tife and follow the Sheriff in pursuit of Fugatives, the Gentleman under the pain of fowers fieldings, and the Yeoman under the pain of twenty fieldings, Jam. 1. par. 6.

That the Sheriff receive persons arrested by the Crowner, and keep them in firmance to the Justice Air, upon the Farties own expences, or if they have it not, upon the Kings, at three pennies per diem, and if the Sheriff failzie, that he be lyable as a Borgh, Ja. 3, p. 14, c. 101.

That the Sheriff & Crowner should thole an Affise the last day of the Justice Air, shid c. 102. See Crowner.

That the Sheriff of Crowner mound those an indicate in its desired. c. 103. See Crowner.

The Sheriff dicharging unlawful Convocation of the Lieges, and disobeyed, may cease the Court that day, and complain of the disobeyers to the King, wid.

sheriffs, Stewards, and Baillies, and other Officiars, should execute all Decreets, and their Fees appointed to be revelve pennies of each pound. Ja. 4. p. 3. c. 30. And that whether they be Sheriffs Ordinar, or in that part, and to be payed by the Debitor, Ja. 4. p. 6. c. 66.

That there be a Sheriff appointed for Refs, and another for Caithnefs, Iam. 4. p. 6. c. 67.

That Culrofs and Tulliallen come to the Sheriff Court and Justice Air of Strivi-ling: And a farther particular division of Shires made in the Act. ibid. c. 73. But this division ordained to be only for Justice Airs, and not for Sheriff Courts,

But this division ordained to be only for Justice Airs, and not so such as 12. 4, p. 7, c. 101.

That Sheriffs, Stewards, or Baillies, giving Seasing on Precepts forth of the Chancellary, write the day and year thereot, and bring the same to the Exchequer (See Seasing) And this Ack said to be made, because Vasials are hurt by the lying out of their Over-lords unentered, Ja. 4, p. 6, c. 89.

That Sheriffs cause proclaim the names of all Denounced and Registrat at the Horn in his Books, upon the Mercat dayes preceeding the three Head Courts, and that the Catalogue of them be affixed on the Mercat Cross, and in the Tolbuith, that they may be repelled as agando, and that within fifteen dayes thereafter they send their names to the Thesaurer, that their Escheats may be taken up. Ia. 6, p.6, cap. 76.

fend their names to the Thesaurer, that their Escheats may be taken up. Ia. 6. p.6. cap. 76.

That the Sheriffcharge himself with, and make compt of all Escheats intrometted with by him within his jurisdiction, Ja. 6. p. 13. c. 74.

That sheriffs give in yearly at the beginning of the Session to the Lords, the names of the Deputes and Clerks they mind to make use of for that year, and that they be charged to find Caution Burgesies dwelling in Edinburgh, Asted in the Books of Council, that they shall yearly make due compt and payment in Exchequet, Ja. 6. p. 11. c. 50. Ratisfied, Cat. 2. p. 1. Session, c. 14.

That Sheriffs and all Judges Ordinary to Surgh or to Land, within Regality or Royalty, be diligent to know the Laws, and put the same to execution, specially in searching, pursuing, and wairding Traitors and Rebells, as they will answer at their perill, of the same pains incurred by the Traitors; As also, in searching and apprehending of Sorners, Vagabonds, strong Beggers, and Egyptians; as also, in living Extracts of Seasings and Retours, at reasonable prices, in bringing their Books and Compts yearly to the Exchequet, and in making of able Deputes and Clerks, who shall be bound to bring their Registers to the Exchequer, and that they find soverty for doing these things, and sending their Deputes and Clerks yearly the fift of November to the Lords of Session, to be examined, and admitted, under such passes the Lords shall modifie, wherein if they failzle, that they be denounced, and all the Lieges exempt from their Jurisdiction, Ja. 6. p. 124 cap. 124.

The Office and Dury of Sheriffs transiently summed up, Car. 2. pat. 1. Sess.

cap. 124.
The Office and Duty of Sheriffs transiently summed up, Car. 2. pat. 1. Sess. 3.

cap. 15.

SHERIFF-CLERK.

That the Sheriff-Clerks come to the Exchequer with the Sheriffs, and bring their Books fubfcribed with their hands, 1a. 5. p. 6. c. 79. To remain in the Regi-

their Books Indicationed with inert natus, 12. 5. p. 6. 6. 75.

That Sheriffs-Clerks Books be marked by the Register, as other Notars Books, and that the authentick Copies be reported yearly, to remain in the publick Register, and that they be answerable for this yearly in Exchequer, under the pain of Wairding or Horning, Ja. 6. p. 15. c. 271.

SHIP. See Merchant, and Navigation.

That Ships breaking here, the Ship and Goods be escheat to the King; if they be of a Countrey keeping such a Law, but if not, that they have such favour as is there

That ships breaking here, the Ship and Goods be electered to the King, it they be of a Countrey keeping such a Law, but if not, that they have such favour as is there shewn, Ja. 1. p. 9. c. 124.

That no Ship be Fraughted without a Charter Party, whereof the points are. What the Master of the Ship shall furnish to the Merchant, that in case of debate betwirk them, they underly the Jurisdiction of the Burgh whereto the Ship is Fraughted; That Goods be not pill thy ill stolling; That no Goods be shorn, or stricken up; That the Master sure no Goods on his Over-lost, or is the do, these Goods pay no Fraught, nor do the Goods beneath Scat or Lot with them, in case they be casten. That every ship exceeding five Last of Goods, pay to the Chaplain of the Nation a Sack Fraught, and if within five Last, the half of it, under the pain of five pounds; And that no Driale-silver be taken by the Master and his Doers, under the same pain: And homeward a Tur Fraught to the Kink Work of the Town that they are Fraughted to, In. 3, p. 2, c. 14.

This Ack Rastified, and that no Goods be fured on the Over-lost, nor the Merchants Goods stricken up, nor spaked, nor rieven, under the pain of runenty pounds to the King, In. 3, p. 14, c. 109.

That no Ship be fraughted outward with Staple Goods from Simon and Judes to the King, In. 3, p. 14, c. 109.

That no Ship be fraughted outward with Staple Goods from Simon and Judes the time prohibit is from Hassoumas to Candlemas, excepting that any Goods may be sent forth in the time foresiad in Ships that bring in Salt, or Wine, In. 5, p. 4. cap. 25.

They no Ships note forth of the Realm without the Kings Cocquet, In. 6, p. 2, c. 15.

They no Ships note forth of the Realm without the Kings Cocquet, In. 6, p. 2, c. 15.

That no Ships pass forth of the Realm without the Kings Cocquet, Ia. 6. p. 2. c.

Ao. See Cacquet.

Ships reckoned amongft Goods moveable, Ia. 6. p. 4. c. 56.

That all Ships be Victualled within Free Burghs and Ports, at the fight of the Magistrats, and Cultomers there, and marked by them, and if any more be found, that it be conficat, Ia. 6 p. 5. c. 67.

K 2 SHOOTING.

SHOOTING. See Guns. SIGNATURE.

The date of Signatures should be filled up with the hands of the Thelaurer, Collector, Compression. The faurer of new augmentations, and Secretary, or their principal Clerks, and bear on the back the date of the Registration, and ficility the day of the Signeting. Writing to, and passing the Privy Seal, should be marked, and the trial of Antecdates not to be received but on great Adminicles, and a great sum consigned, and by the Writers, principal Officers, their Deputes, or Clerks, Writersto, and keepers of the Seals, and no others, and the falshood, if found, to be punished with the pains of Fasspood, and Left Majesty, and three parts of the Lands and Goods forefaulted to belong to the King, and the fourth to the party injured, L. 6. p. 12. 6. 133.

of the Lands and Goods forefaulted to belong to the King, and the parts party injured, la. 6. p. 12. c. 133.

That no Signatures, or Letters be prefented to his Majeffy, but by his ordinary Officiars, unto whole Offices they properly belong, otherwife the faid Officiars are commanded under their highest perill to stop the same, and the said stoping shall be repute good service, la. 6. p. 10. c. 20.

Ratified, and that the said Officers cause Registrat the Docquet of the saids Signatures in a Registra, and send the double thereof to his Majesties Secretary under their hands, that he may give his Majesty notice of all prior, or different deeds, Car. 2. p. 1. Sess. 1. c. 60.

SIMONY.

Any condition made by the Intrant with the Patron, referring to the Minister a fusicient maintainance answerable to the state of the Benesice. Is declared not to be Simoniacal; And the Lords of Session are appointed Judges in this matter, 12. 6. p. 21. c. 1. See Patron.

SINGING. See Musick. SKIN and BIRN.

That Beef, Mutton and the like be presented to the Mercat with Hide, Skin, and Birn, under the pain of escheat thereof, Q: M. p. 9. c. 85.

SLAUGHTER.

Where ever Slaughter is committed in Royalty. Regality, or Burgh, the Sheriff hould purfue the flayer while he be taken, or put out of the Shire, and in this case advertise the next Sheriff, or Lord of Regality, or his Baillie, who shall do the like diligence, and so forth, untill the flayer be taken, or put out of the Realm; And that the slayer when taken, be sent back to be tryed to the Sheriff where the deed was done, and if the deed be sound to be fore-thought Fellony, the slayer shall die for it. In case the first Sheriff apprehend the slayer, that he put him in sicker sattness, and the Law to be done within fourly dayes at the farthest, and if it be rede hand, within that Sun, Ja. 1. p. 6. c. 90.

The same renewed, and extended to Demembration as well as slaughter, Ia. 4. p. 3: C. 28.

p) 31 cf 28.

And in case of escape, that the respective Sheriffs denounce the slayer Fugitive, and forbid his harboury, reset, or help, under the pain of life and goods, la. 1.

p, 6. C. 91.

And these Acts, Is. 1. p. 6. c. 90, and 91. Ratified, and that the Sheriffs negligent be in the Kings will, and removed for three years, Is. 3. p. 5. c. 36. and Is. 5

P.7.6. 97.

If a man be flain in the Barony, that the flayer be arrefted, and the Law done by the Baron, if he have power, otherwife he flall fend him to the Sheriff; but if he escape unarrested through floth, or favour of the Baron, the Baron shall pay running pounds, or he and his Officer imprisoned, and at the King swill, Ia. 1. p.

he escape unarrefted through note, orravour of the maton, the Balton and prosummy posmots, or he and his Officer imprisoned, and at the Kings will, Ia. 1. p.
6. cap. 22.

That the Officiars in Burgh arreft the man-flayer in like manner, Ibid. c. 93.

If the Sheriff, or Minister of the Regality, Ministers not the Law, and this may
be proven by an Assistance of the Regality, Ministers not the Law, and this may
be proven by an Assistance of the district of the state of the flate of the transpose of the King. and
the Croy to the nearest of Kin of the flain; Ibid. c. 94. But probably the Act should
say, if any Sheriss, or Minister of the Royalty, &c. And so the Title should be
changed, as appears by the next Act.

That the Lord of Regality wilfully negligent, be punished in like manner;
and if the Minister of the Regality fall, he shall be punished by his Lord, as the
Sheriss by the King, and Aldermen and Baillies in Burghs to be punished by the
Kings lustice, ibid. c. 95.

Where the committer of slaughter slees to Girth: See Ia. 3, p. 5, c. 36. in Girth,
See also Fore-though: Fellony.

That if the man-slayer be put to the parties hom, he shall be relaxed, or have
Dilators of sourty dayes, but upon sufficient Caution, and if he then failize to compear, that he begut to the Kings Horn, and his Goods escheat, Ia. 3, p. 6 c. 43.

That the man-slayer charged by the Sheriss personally, or at his dwelling house,
and at the Mercat Cross of the Head Burgh of the Shire where the slaughter is
committed, upon six dayers to find Caution, and disoboying be denounced, and
his Goods escheated, and intimation made to the next Sheriss, la. 3, p. 14, c. 100.

See Relaxation.

SOAP, and SOAP WORKS.

Oyl, For Aftes, and all other Materials for Soap Works, and Soap making, and all Soap made within the Countrey declared free of Custome and Excise, and other publick or privat duces what soever: As also, all Soap so made and exported, to be tree for nineteen years after the fetting up of the saids Works, and after the date of this Act, for such as are already setup, Car. 2.p. 1. Sess. 1, c. 48.

SORNERS.

That no man ride nor gang with moe men nor may fuffice, and for whom he will make payment. 1a. 1. p. 1. c. 5.

That no Companies pass in the Countrey, and ly on the Kings Lieges, or Thig, or Sojourn Horse on them, under the pain of Assisting, the King and Patry complaining, ibid. c. 7.

That Inquisition be made by all Judges against Somers, Masterful Beggers, Bards, and made Fools, to be punished by Imprisonment so long as they have of their own to live upon, and fra they have not, by nailing their Lugg, cutting off their Ears, and Banismment, and if they be found again, that they be hanged, la. 2. b. 6. c. 22. Bards, and manufact, and fra they have not, by naping tues. Angel, la. their own to live upon, and fra they be found again, that they be hanged, la. 2. p. 6 c. 22.

That Sorners be punished forthwith by the lustrees, as Thieves, or Reivers, Ia. 2. p. 11. c. 45. Ratified, Ia. 3. p. 10. c. 78.

That in all lustree Airs Inquisition be taken of Sorners, Bards, and feignied the latter of the latt

SPEARS.

That all Spears be fix elns in length, under the pain of escheat of the Spears, and the maker or home-bringer to be in the Kings will, Ja. 3. p. 6. c. 45.

That Spears be five elns and an half in length, Is. 3. p. 11.c. 81:

SPUILZIE.

That in open and publick Reiffs and Spuilzies, the Sheriff csufe the Spuilziers or Referters make refittution, and arrest both them and the Goods to the Law, and if they disobey. Denounce them, and if the Sheriff refuse, that he be demanded by the Lieutennent, as the Spuilzier should have been. In 2. p. 5. c. 9.

And this Act to be fulfilled by the Lords of Regalities also, with affistance of the Lord of the Ryall, if need be, and if the Lords of Regality fail, the Sheriff may fulfill it within the Regalities, ibid. c. 10.

The Spuilzie being proven, whether the Spuilzier compear or not, the Spuilzied should be restored, his expences payed, and also the Rings unlaw. In 2. p. 6.

ip. 19.
Summonds of Recent Spuilzie, la: 4: p: 6: 6: 65. See it in Summonds.
That for Depredations, Reiffs, and Spuilzies, particular luftice Courts may be tarthe discretion of the Lords of Sellion, the matter being first civilly decided,

let at the differential of the Lords of the Lords of Lasters, or High-landers, the Party may pursue for his skaiths. to be modified by his own Oath, either before the Lords of Session, or the Iustices, whereupon Execution shall pais against both the Principals and their Soverties, Ia: 6: p: 11: 6: 93. See Classes and High-lands.

STALKER. See Wilde Beafts.

Stalkers: flayers of Deere fiall pay fowrty failtings to the King, and their Hold-ers responds, and this to be point of Dittay, Ia: 1: p: 2: 0: 36.

STANCK.

That none take Fift out of others Stanks, under the pain of Dittay and Thieft, la. 3. p. 7. c. 61. See it with the Acts following in Thieft.

That Lords and Lairds make Parks, Stancks, Cunningairs, Dowcats, and Orchyairds, la: 4: p: 7: c: 74. See it in Planting, and Policy.

STEALING. See Thieft.

STEWAR D. See Judge, and Sheriff. STRANGER.

That Strangers felling Merchandice for money within the Realm, either Wall their money for penny-worths, or pay the Custome of fourty punnies per pound, is. I. p. 1. c. 16.

Strangers Merchants coming in the Realm with Victual, and other leifful Merchandice, should be honourably and favourably treated, and not troubled with Arrestments, and after entry made, the King should be first served, and then the Lords of his Council, according to the price agreed with the Merchants, and the rest fold freely, Ia. 3. p. 10. c. 73. Ratified and enlarged; and that the King and his Lords be first served for good and thankful payment, Ia. 3. p. 14. c. 114.

STUDENTS, See University. STUDES, and STUDE-PLACES.

That Studes, and Stude-places be furnished with Meirs, and Stallions, Jam. T.

SUBSCRIPTION.

That Writs under Seal, without the Subscription of the Party, and Witnesses an Notar for the Party, if he cannot writ, make no Faith, lam. 5. par. 7.

or an Notar for the Party, if he cannot writ, make no Faith, lam. 5. par. 7. cap. 117.

That all Writs of Heretage, or of importance, be fubscribed, and Sealed by the Party, or if he cannot writ, by two famous Notars, before four famous Winnesses, well defigned, and present at the time, otherwise the saids Writs to make no Faith, lam. 6. p. 6. cap. 80.

But this Act as to sealing, is declared not to be understood of Writs bearing Registration. a consent to the Registration being a greater Solemnity, and the due subscribing thereof sufficient: And notwithstanding of the said Act, one Notar with an sufficient number of honest Winnesses, is declared to be sufficient in Instruments of Seasing, lam. 6. p. cap. 4.

with an immerent number of noneit whenes, is accurate to be summered in in-fruments of Scaling, Iam. 6. p. 9. cap. 4.

Noble-men, and Bishops, only are allowed to subscribe by their Titles, and allowed their Designation OF, &c. [such a place; otherwise they may be pusi-fied by the Council upon Information of the Lyon, and his Brethren. Car. 2. thed by the Counci

SUCCESSION. See Testament.

Act afferting the tight of Succession to the Crown of Scotland, to devolve immediatly according to the proximity of blood, and that no difference of Religion, or Law, made. or to be made, can alter, or divert the said right, nor stop, or hinder, the Succession, in the full, free, and Actual Administration, according to the Laws of the Kingdom, and that it shigh Treason, by Writing. Speaking, or any other manner of way, to endeavour the Alteration, Suspension, or Diversion, of the said right, or to debart the Lawful Successor, from the immediat. Actual, full, and free Administration of the Government, conform so the Laws of the Kingdom. full, and free Administratio Kingdom, Car. 2. p. 3. cap. 2.

SWEARING.

Particular pains ordained against Profane Sweaters, with gradual Augmentations, and ending in Banishment, Q: M: patr; cap: 16. Ratified, with an Augmentation of the pains, and that Magistrats, to Burgh, and Landwart, appoint Pensous in publick Méteats, and Fairs, with power to exact the saids pains, and that House, holders, delate Oslenders within their House, under the pain to be esteemed as Ossenders themselvs, lam. 6, p. 7, cap. 103.

Ratification of all Ads made against Sweating, and Cursing, and farther, that who shall Blasphemes Sweats or Curse, shall pay, the Noble-man. Twenty pounds, the Barron. Twentie merky, the Gentleman, Heretor, or Burgels, Temperature, the Tea-man. Fenry shillings, the Servant, Twentie shillings, totics quoties, and the Minister the sitting are of his Stipend, to be applied as in the Adt, anent Justices of Feace, and the insolvent, to be punished in their Fersons, Car. 2, patr. 1, Sest. 1, cap. 19. Ratified, Car. 2, patr. 2, Sest. 3, cap. 22. See it in Profamels.

SUMMONDS.

The Summonder may make his rehearfe in Court, by Writ, or by Tongue, keeping the fex terms of Summonds, and he much have fufficient witnesses of di-

s , who hall Swear in Court the truth of the So

The order of Sumn The order of Summonding Persons, Continuations, and their fines, with the manner of putting the Persewer in Possession of their Lands, and Gudes, after three diets, and their recovery thereof, and if the Parry be Condemned, that his Lands, and Gudes, be recognified in the Kings hands, and if he hes none, then fall the be out-lawed, and put to the Horn, lam, 2: p: 6. cap: 29. (these are old

Summonds Peremptourbefore the King and Council abridged to twentie one dayes, lam. 3: p. 1: cap. 6.

In Summonds of Errour, the Members of Inqueft should appear Personally, because it may depend on their Infamies, and the Summonds proceeds, whether her Party called for his Interest compear or not, and the Persewer of this Summonds not insisting, payes the expences of the Party, and an unlaw of Fourty/fillings, and so in other Summonds, lam: 4: p. 3. cap. 35.

Summonds of recent spuilzie, that it raised within fifteen dayes after the committing of the spuilzie, may be made on fifteen dayes, and no Dilator to be admited, if the Summonds be lawfully landorfat, lam. 4: p. 6. c. 65.

Summonds Priviledged, are recent spuilzies, calling of Letters, redeeming of Lands, Acts of Adjournal, Actions of Tinsel against Superiors. Reduction of lands in Process before the Sherists, and Baillies, and retreating; and transfering, of Decreets, except Letters that concern Horning, which shall have Process at all times, lam. 5: p. 5. cap. 45.

A Person being Summond eight dayes before he go forth of the Realm, if it be not Rei-publics Cause, the Process goes on against him, as it he were not forth of the Realm upon wairnings at his dwelling place, or if he hes none, or hes not left a Procurator, at the Metcat-croce of the head Surgh of the Shire where he most reforted of before, and this to have place in Civil Actions only, but not against winesses, 2. M. p. 6. cap. 32. See Executions.

All and Letters of Continuation discharged, and that in lieu thereof, all Summonds in the to have been continued, contain two diets, and be directed to Shirress, and Messengers, respective, and be Execut to the first diet, and after elapting of the dayes of the first Citation, to the second diet, in the same manner, and with the same effects, as Summonds, Acts, and Letters were used formerly, Car. 2. p. 2. Sets. 3. cap. 6. and with the same effects, as Su Car. 2. p. 2. Seff. 3. cap. 6.

SUMPTUARIE Laws, Sec Apparel. SUPERIOR.

That Superiors charged by their Vaffals, upon fourtie dayes, enter to heir Superiorities, otherwife tine the lame, for that Vaffals lifetime, and must affath his skaith, and the Vaffal is to be entered by the next Superior, Jam. 3. p. 7.

That the Mails, and Duties of Lands pertaining to Vaffals that have been year and day at the Horn, return again to the Superiors, for the Vaffals life-time, except in Crimes of Treason, and lesse. Majesty, Jam. 5. par. 4.

SUPERIORITIES of Kirk-lands, See Kirk-lands.

SUPERSEDERE.

All Superfederms, or Licences, granted by the King to Persons at the Horn. forbidden and declared null, and void, lam. 6. p. 11. cap. 46.

SUPER STITION, See Pilgrimage, and Religion.

SUPPLY ROYAL; See Annuity. 40000. pounds Sterling,

Act of Convention for a Supply to his Majestie of ten Hundred Thousand merks. be railed in five years, by way of Taxation, Act of Convention, 4. of An-

so be raised in five years, by way of Taxation, Act of Convention, 4. of Angust. 1665.

Act of Convention for a Supply to his Majesty of a Twelve Moneths Cels, being Seventy two Thousand pound, per Mensem, in all Eight Hundred and fixty four Thousand pounds. Act of convention 23. of January, 1667.

Act for a Supply to his Majesty of Three Hundred and sixty Thousand pounds to be raised by way of Assessment, at the terms in the year specified in the Act, Car. 2.

3. 2. Self. 2. cap. 3.

Act for a Supply to his Majesty of Eight Hundred, and sixty four Thousand pounds, to be raised by way of Assessment, and payed at four terms. Lambas, 1672.

Landlemes, and Lambas, 1673. and Candlemes, 1674. And that no man be oblidged to produce discharges thereof after the second of February, 1681.

And Retention is granted of a Sexth part of Antural rents from Maximus, 1672. to Maximus, 1673. for ease of the Heretors, and Land-rent, Car. 2. p. 2. Self. 3. cap. 4.

cap. 4.

At of Convention for a Supply to his Majesty of Twentie sive Moneths Cels, being Eighteen Hundred Thousand pounds to be tailed in five years, five moneths yearly, beginning the first term at Martimes, 1678. Act of Convention 23.

July, 1678.

yearly, beginning the first term at Martimes, 1678. At the state of the saids five Ad and Offer of a new Supply to his Majesty, by continuation of the saids five Moneths Cess. per annum, for other five years, after the term of Martimes, 1683. inclusion, and that none be oblidged to produce discharges of this Supply, after the Tenth of Jame, 1691. And that Heretors for their relief, may taxt the Inhabitants upon their ground, as in the Adt, and the order of uplifting, and quartering for this Cess, is set down in the Adt, Car. 2. p. 3. cap. 3.

SUSPENSION.

That no Suspension be past against Bishop, Minister, or Master of University or Colledge, of any Charge for their dues on special Decreers, except upon production of discharges, or upon Consignation, and if the Rent charged for be Victual, of a Hundred merky for each Chalder: But prejudice of a higher Modification at the discussing, and that Bils of Suspension of general Letters the time of Session, be first shewed to the Charger, and feither the Charge, or Suspension be found Malicious, the Lords of the Session may modifie a first part of the sum for expenses, Car. 2. p. 2. Sess. 1. cap. 6.

SYNOD DIOCESIAN, See Kirk, and Ministers.

SYNOD NATIONAL.

Act anent the Confliction of a Synod National, whereby his Majefly hath the wer of proposing by the Archbishop of St. Andrews President, and is alwayes

to be present, by himself, or his Commissioners, and no Act to be valide, un-less agreed to by the President, and Major part, and unless it be Consistent with his Majesties Prerogative, and the Laws, and be consisted by his Majesty or his Commissioner, Car. 2, p. 1, Sess. 3, cap. 5.

ACK, and TACKSMAN, See Ten-

That Tacks being fet to Labourers, the Takers shall remain therewith unto the ische of the terms thereof, for the mail they took them, to whose hands foever

the Lands come, Ism. 2. p. 6. cap. 17.

But who takes Land in Wodfet, fyne for Maill long time after, the Land be quite out for half Maill, or thereby, that these Tacks be not keept, after the Outquiting, unless they be set for the very Mail, or thereby, 18td. cap. 18.

How, and for what years and space beneficed Persons may set their Benefices, and Fruits thereof. See in Beneficed Persons.

TALLOW.

That no Tallow be had out of the Realm, under the palu of escheat of it, Ism. 1. par. 2. cap. 32. And farther of all the Owners Moveables, as also of the Moveables of the Matter, or Skipper of the Vessel, that receives it, Ism. 5. p. 7. cap. 123.

and Q. M. p. 6. c. 40.

That none mel, rinde, not Barrel Tollow, under the forefaid pain, Ibid la. 5.
p. 7. cap. 123. See Forbidden Gudes.

TAVERNE.

That no man in Burgh, be found in Tavern or Ale-house, after the firaike of nine, and the Bell ringing, under the pain of waitding, and the Aldermen and Baillies negligent in this, to be fined by the Chamberlane in Fifty history, lam. 1. p. 13. cap. 144.

TAXATION, See Supply.

Order for speedie inbringing the Taxation, then granted, and found that the King could not grant discharges of that Taxation, being granted be the three Ettates to the Embassiadour for his Mariage, Iam. 4. p. 2. cap. 9.

An Taxation of Two Hundred Thomssand merky, granted to the King and proportioned thus, the sum of An Hundred Thomssand merky, by the Spirmual Estate the sum of sexty sex Toossand sex Hundred, and sexty sex merky, sight shillings, ten pennies, by the Burrons, and Freecholders, and the sum of Toirrie thrie Thoussand, three Hundred threis three merky, sour shillings, sex pennies, by the Burrons, and the Burrons part as here shaded is tax to Foortie shillings, upon the pound Land, of old extent, and the Act contains at length the form and manner of uplifting it, lam. 6. p. 15. cap. 277. Anno 1597.

Abother Taxation granted to his Majesty of Thirty shillings the pound Land, of old extent termly, for sour terms, for the Barrons, and Free-holders, and the Spirmual Estate, and the Burrows, to pay their Farts of the said Taxation, effect and to the said Taxat upon the Barrons, as also an Extraordinary Taxation of the Twentie pennie of all free Annual rents for sour years, Jam. 6. par. 23. cap. 2.

Anno 1621.

to the faid Taxt upon the Annual-tents for four years, jam. o. par.

Twentie premie of all free Annual-tents for four years, jam. o. par.

Anno 1621.

Act anent the Collecting, and inbringing of this Taxathon, and Releif, to Prelates, Ibid cap 3.

An Taxation granted to his Majetty of Thirty failings the pound Land of old extent, termly for fexterms, or years, for the Barrons, and Free-holders, and fo proportionally for the Spitmal Estate, and Estate of Burrows, beginning the first term, or year at Martimes, 1634 with an Extraordinary Taxation, of the fexteenth pennic of all free Annual-tents yearly the laids fex years, Car. 1. par. 1. hitterm, or year at Marimer, 1034 with an Extraordinary Taxaton, or the fixteenth pennic of all free Annual-tents yearly the faids fex years, Car. 1. par. 1-cap. 1. 28. June, 1633.

Act anent the Collecting and Inbringing of this Taxation, and for the releif of Freiars, bid. cap. 2.

Supply to his Majetiles of Ten Hundred Thousand merks, to be tailed in five years, by way of Taxation. Act of Convention 4. Anguil. 1665, See Supply.

TEIND, and TEINDING.

That Teind Mafters Teind within eight dayes after flearing of the Corns, as the fame are readie, or otherwayes the Labourers requiring them openly in the Paroch Kirk, three Sabbaths in the fore-noon, after the flearing, may at the fight of two honeft nighbours, floor before witheffes, feperatthe flock from the Teind upon the ground, which he flould keep from Beafts, until the first of Naturalist 1 Jam. 6.p. 6, cap. 73.

But these three Sabbaths are reduced to two, providing there be sourced dayes fully interjected, betwirt the day of the Requisition, and the day of the Teinding, lam. 6.p. 8, 12, 1309-143.

fully interfected, betwirt the day of the Requilition, and the day of the Teinding, Iam: 6: p: 11: csp: 48.

That Teinding if the owner please be at three times, the Croft corn at one time, the bear at the second, and the out Feild Corn at the third, and that fitteen dayes atter shearing of each fort. Teinding may be required on seven dayes, and the Owner if nor answered, may teind, and stack with pres. Iam. 6. p. 18. cap. 8.

Teinding at three times as in the last Act, again statur, and that eight dayes, after shearing of each fort, Teinding may be required upon other eight dayes, and if not obtained, that the Owner may teind, and stack, as above, Iam. 6. par.

after fleating of each fort, Teinsing may be required upon other eight dayes, and if not obtained, that the Owner may reind, and flack, as above, Iam, 6, par. 21. Cap. 5.

But thir dayes of Requificion are flortmed to four, & it is appointed to be made to the Teind Master, at his dwelling house, if pretent, & it is appointed to be made to the Teind Master, at his dwelling house, which ractor the Teind Master is ordained to name, and appoint, within the Paroch, or some Clachan next to it, and to intimat the fame the last Sunday of July, or first Sunday of July, or highly, otherwise Teinding may proceed after the faild eight, and four dayes, and the Owner is only bound to keep the sperar Teind upon the ground eight dayes thereafter, and it is declared, that a third part fail be repute shorn, as said is, albeit about a tenth of it be left standing, and the same order is to be used as to this tenth part, when shown, lam. 6. par 22. cap. 9.

That each Heretor have the leading and drawing of his own Teind, whether Personage, or Vicatage, the samen being said trawing of his own Teind, whether Personage, or Vicatage, the samen being said trawing of his own Teind, whether Personage, or Vicatage, the samen being said to be the fifth part of the constant Rent of Stock, and Teind, or if the Teind be valued severally, then the rate is the Valuation thereof, deducing a fifth part for the Heretors case, that the price of all Teinds be nine years purchase, the same being estimate at the rates of the Countrey, and the Heretors have liberty to buy at this Rate, (except the Teinds locally alligned to the Minister) any time betwixt and Martines, 1635, or if the Teinds be non yer valued, within two years after the expeding of the Valuation, unless the Tinds to may as said is, shall be admitted so soon as the Impediment is removed. But if the Heretor be Minor, his Minority helps him not as to the faids two years, only for the neglect he hath action against his Tutors & Curators: And where there

is a Life-renter, the Heretor buying must give the Life-renter the leading, and drawing, for payment of the rate, but the buying or not buying prejudge not his Majesty as to the Annnity and all other questions are referred to the Commissioners to be appointed in this Parliament for Valuation of Teinds, and this Act oblidges not Archbishops, Bishops, and Other beneficed Persons, being Ministers, but according to the Provisions. and Conditions, set down in the Submission, made by the Bishops, in the year, 1628. And the Vicarage being a several Benefice, is ordained in favours of the Titular, or Minister, setving the Cure, to be valued a part, Car. 1. p. 1. cap. 17. Anno 1633.

But these provisions set down in the Submission made by the Bishops, are restricted to that whereof they and other Beneficed Persons, and Colledges. Hospitals, and other pious uses, were in actual possession of, the time of the Submission, which is to remain according to the foresaids provisions, shale. c. 19.

Commission for Valuation of Teinds, and rectifying Valuations already made as also, for planting and providing of Kirks, and for perfecting the Act of Parliament, annexing the Superiorities of Kirk lands to the Crown, Car. 1. par. 1. cap. 19. The ranking of the Bishops, Officers of State, and Noblemen is singular in this Commission for Valuation of Teinds. Car. 2. p. 3. Self. 1. 6. 6. Seasing Notes.

ommission.

Commission for Valuation of Teinds, Car. 2. p. 1. Sess. 1. c. 61. See it in Plan-

Commission for Valuation of Teinds, Car. 2, p. 1. Cap. 1. Act whereby in respect of the Clause in the Bishops and Clergies Submission, 1627. That they should enjoy the Fruits and Rents of their Benefices as they were policified by them for the rime. All Valuations of Teinds whereof they were then in possession, by leading and drawing, or by uplifting the Rental Bolls, made since the year, 1637. are declared void and null, providing that Heretors whose Teinds belong to the said Clergy, and were in Tack the time of the said Submission, shall be in the same case they were in by the Decreet Arbitral, given upon the said Submission. And by the Act, Car. 1. par. 1. cap. 19. above. Car. 2 par. 1. Sess. 22. 24.

TENNENT.

That what ever way Lands happen to be altered to a fingular Succeffor, by Waird, Deceafe of a Liferenter, Sale, or otherwife, the Tennent, Labouter, and Inhabitant, shall not be removed until the next Whit finaday thereafter, he paying to the Intrant Lord the Duty used and wont, Ia. 4, p. 3. c. 26.

TERCE.

The Relief shall be Terced, and bruik her Terce, if her Matriage was not challenged in her Husbands life, but she repute a lawful Wife, ay and while it be clearly decerned that she was not a lawful Wife, and that therefore she should have no Terce, Ia. 4. p. 6. c. 77.

That in time coming, where a particular provision shall be granted by a Hus-

Tectee, 13. 4, p. 6. c. 77.

That in time coming, where a particular provision shall be granted by a Husband in favours of a Wife, she shall be feeluded from all Terce, unless it shall be expressly referred in the same Writ, but prejudice nevertheless to Contracts and Provisions already made, which are to be in force according to the former Law and Custome, Car. 2. p. 3. c. 10.

TEST.

A& anent the Teft, that all Persons in Publick Trust or Imployment, Ecclessick, Civil, or Military (The A& contains a long and particular enumeration) Sign the Test subject to the A&, in manner therein set down (the Kings lawful Brothers and Sons only excepted) under the pain of being declared uncapable of Publick Trust, and amitting their Moveable and Liferent Escheats, one half to the Informer, the other to the King, and that the Privy Council see this A& put to execution, Car. 2. p. 3. c. 6. See the A& In Religion.

A& supplying and extending the enumeration of Publick Trusts set down in the former A& ibid. c. 25.

TESTAMENT. See Executors, and Quot.

That where persons die within age, so as they cannot make Testament, the near-est of Kin should have their Goods, without prejudice of the ordinary Quot, Ia.5.

eft of Kin should have their Goods, while the property of Kin should have their Goods, while the pro-p. 7, c, 120.

That no Charges of Horning for Confirming of Testaments be given at the Pro-curator Fiscals instance, but upon a Roll subscribed by the Commissar, and with-in three years after the Defuncts decease; and that no Caption be used thereon, but where the Homing hath been execute against the Party personally, or at his dwelling house, and Paroch Kirk door, on a Sabbath after Divine Service, certi-fying Commissar, Fiscals. Clerks, or other Members of Court, that if they con-traveen this Act, they shall be deprived, Car. 2, p. 2, Sest. 1, c. 19.

THANKSGIVING-DAYES.

The fifth of Angush yearly appointed to be a day of Thanksgiving to God for ever for King James the sixth his preservation from the treasonable attempts of the Earl of Gowry and his Brother, with abstinence from all works that may distract from the said Exercise, 1a. 6. p. 16. c. 1.

The wenty ninth of May yearly appointed for the solemn Commemoration of the Kings Restitution, and for that end that it be set apart as an Holy Day unto the Lord, and be imployed in Prayer, Preaching, and Praising, and lawful and suitable divertisements, with abstinence from all handy labour, and other ordinary imployments, Car. 2. p. 1. Sess. 1. c. 17.

But this Act as to the Narrative is altered, and the words of the appointment renewed in other terms, and the not observers ordained to be fined, and other wayes punished by the Council, and other Judges ordinary, according to their condition and estate, Car. 2. p. 2. Sess. 3: c. 12.

THIEFT.

That Dittay be taken of them that steals green Wood, or peels the Bark off Trees, and that they be punished in fourty shillings to the King, and Assist the Party: And siclike of breakers of Orchyards, stealers of Fruit, destroyers of Cunningaires, and Dowcats. la: 1: p: 2: c: 33.

That the stealer of Wood in another Lords Land, be there arrested, and suffer Institute in his Court, and in none other, ibid. c. 34.

That no Lord of Regality under the pain of tinsell of his Regality, nor Sherisf, Justice, and Baron, under the pain of tinsel of life and goods, tell any Thief, or Fine with him of Thieftdome, and this Statute to endure during the Kings will,

Justice should be done on Thieves, as soon as may be, without abiding fourty dayes, ibid, c. 142. And where the Justice cannot hold Justice of Masterful-men, that he certifie the King who shall provide remedy, in all haste, Jam. 2. par. 6.

That no man sake or sheal Eggs out of Pertridges or wilde Ducks Nests, under the pain of fourty shilings, [4.3. p. 7. c. 60.

That no man hunt, shoot, or shap Deere, or Rae, in other Closes, or take Cunnings, Fowls, or Fish out of others Cunningairs. Dowcats, or Stancks, under the pain of Dittay, and Thieft, [a. 3. p. 7. c. 61. And [a. 5. p. 4. c. 13. Nor sheal slives, and that these be points of Dittay, and the unlaw ten ponnals, beside the Parties skaith; And if Children under age commit any of thir things, that their Fathers, or Masters pay thirteen shillings sour pennies for ilk ane of them, or deliver them to the Judge to be scourged, [3. 4. p. 6. c. 69.

And that the forelaid Acts be extended to shealing of Fruit-Trees, Barking of Trees in Woods, and Fowlers with Nets, Q. M. p. 6. c. 58.

These Acts Ratissed, with pains Pecunial of ten, twenty, and fourty pounds, or pains corporal of Prison and Stocks, and even to death, inclusive, for the first, second, and that dall, 1a. 6, p. 6. c. 85.

All Ratissed, and that who breaks down Woods, Parks, Dikes, Fences, or Closures, or Pastures, or cuts Broom, or Grass within the same, or breaks Dowcats, or steals Bees, or sheals Fish out of other mens Stancks, or Locks, may be convected before the Secret Council, or any Inferiour ludge, but the pain in the Justice Court not to exceed fourty pounds; and before the Council, as the Council shall think fit to appoint, without prejudice to the execution of former Acts, Jam. 6, p. 19. c. 3.

The Master or holder of a Thief, if required by the Party, should exhibite him.

flice Court not to exceed fourty pounds; and before the Council, as the Council shall think fit to appoint, without prejudice to the execution of former Acts, Jam. 6, p. 19. c. 3.

The Master or holder of a Thief, if required by the Party, should exhibite him before the Judge, or deliver him to the Party, under the pain of Art and Part, and making of reflitution; and that no man attaching a Thieft, concord with him, and take Thieft-boot, and put him from Law, under the pain of being accused as the principal Thief: And the wrongous Accuser of another for Thieft, payes him ten pounds for the slander, Ia. 5. p. 1. c. 2.

That Resetters or Assistance of Thieves, or Intercommuners with them for that effect, may be pursued either before the Justices, as Art and Part, or called Civilly before the Lords on fifteen dayes, without Diet of Table: And that all Sherists, Baillies, &c. put the saids matters to inquisition, by an Assistance of the Countrey, and make report to the Justices within sisten dayes thereafter. That no Thief take any Scotz man, under the pain of Treason, and that scill men so taken, be not holden to enter to them, but their Bands and Soverties therefore given are discharged, and if any of the said Thieves Charge on the said Bands, that they incur the pain of Treason; That leill men taking Thieves committing Thieft, or in going to, or coming from it. if they have not power of themselves to justifie them to death, presentent to the lustice within sifteen dayes. That none take on fix under the assistance of Thieves, or pay them Black maill, or give them meat, drink, reset, maintenance, or supply in their Thieftuous deeds, under the pain of death, and escheat of their moveables. That all men sife and raise the fray, and follow after Thieves, and help to take them. or to recover the Goods, under the pain of being holden for partakers, and that the lustice execute the Law with rigour, without tawour or delay, Ia. 6, p. 1. c. 11. Death intimate to be the pain of Thieft, Ia. 6 p. 6. c. 75. § 1. at the end. A

That the person from whom Goods are stollen, pursuing them to be put to execution, Ia. 6. p. 13. c. 174.

That the person from whom Goods are stollen, pursuing the Thief wigne ad fententiam, shall have his own Goods again, where ever they can be had, or the value, with the expence, out of the readiest of the Thieves Goods, without prejudice to the Sherists, and other Magistrats, and takers of the Thief, of their expensives in taking and executing him, Car. 2. p. 1. Sess. 1. c. 26.

THIRDS of BENEFICES.

That the Thirds of all Senefices be payed to the Ministers, and they being payed of their Stipends, the superplus to be applied to the Kings use, 1 am. 6. par. 1.

ed of their Stipends, the fuperplus to be applied to the Kings use, lam. 6. par. 1. cap. 10.

Act declaring that the Thirds of Benefices, Common Kirks, Friers Lands and Rents being only destinate to these two uses, might be no otherwise given, not imployed; and therefore all Pensions, Life-rents, or Tacks of the superplus of the laids Thirds, or of any Common Kirk for longer then a year, or whereby the saids Thurds superplus thereof, first and best Rental of Common Kirks, Friers Lands, and Rents thereof hath been diminished, or altered since the last Assumption, are declared to be null: but prejudice always of whatsoever Insestments granted by the King in diminution of the saids Thirds, Ia. 6. p. 12. c. 121.

Ratified, and all exceptions made therefra, in the Act it self, or otherwise, are declared null, excepting only that ament Insestments, and but prejudice of the Colledge of lustice, and Lords thereof, as to their priviledges, Ia. 6. p. 15. c. 241.

See Ministers.

Benefices of Cure, being Laick Patronages provided to Ministers serving and

See Ministers.

Benefices of Cure, being Laick Patronages provided to Ministers serving and residing at the Kirks thereot, are freed of Thirds, and the same declared to be a part of their Living, La. 6, p. 12, c. 158.

All Tacks in diminution of the Rental, and Pensions out of the Thirds, are declared null; and that it is not leasome to the King to dispone the same any manner.

of way, la. 6. p. 15. c. 240.

TIN. See Pewter. TOBACCO.

A& discharging a new Imposition laid upon Tobacco, in December, 1671. And allowing the Impost thereof free of all other Impositions. except the ordinary Custom and Excise, Car. 2. p. 2. Sess. 4. c. 4.

TRADE.

TRADE.

At Regulating the Liberty of Trades betwirt the Royal Burghs and others, Car.

2. p. 2. Seff. 3. c. 5. See the At in Burghs.

That none Import into this Kingdom any Threed Lace, Fringes, Traces, ot Buttons of Gold and Silver Threed, or any Stuffs, or Ribbons in which there is any Gold or Silver Threed, or Philagram of Gold or Silver to be worn on Apparel, or any of their Counterfeits, or any Flowred Stript, Figured, Checketed, Fainted, or Frinted Silk Stuffs, or Ribbons (watered, or Changing Coloured Stuffs or Ribbons not included) or any Imbroidering of Silk on wearing Cloaths, with certification the thing faal libe burn or defiroyed, and the Importers and Refetters fined in the value, and the wearing of any thing of the premifies after the first of April, 1682. is prohibite, under the pain of Confifcation of the Cloaths, and five bunder of merky of fine, poistes questies, except that such as are of the Kings Forces have allowance two years after Novem. 1683. to wear out their Cloaths upon which there is any Gold or Silver. That none Import to this Kingdom any Forraign Holland, Linnen. Cambrick, Lawn. Dornick, Damask, or any other Forraign Stuff, or Cloath made of Linnen. or Cottoun, Wool, or Lint (Flannen, Arras Hangings, Carpets, made Beds of Silk, or Damask Hangings, Chairs and Stools not included any Forraign Silk or Woolen Stockings, Laces of Silk, Gimp, or Threed, and any Laces,

Laces, or Point of any fort or colour, any Forraign made Gloves, Shooes, Boors, or Slippers, and any wearing Cloaths made abroad, for Men, Women, or Children (except what persons have used, and bring home from abroad with them) with Certification, that the thing Imported contrary hereto, shall be burnt, or deftroyed, and the Importers or Resetters fined in the value: And the Ast contains most strick Orders to Customers and Searchers, and appoints Informers and Judges for execution. And it is declared to be in place of any former Sumptuary Law and Marstel, Car. 2, 8.3. C. 12. es for execution. And at a care anent Apparel, Car. 2. p. 3. c. 12.

TREASON. See Rebels.

That no man openly rebel against the Kings Person, under the pain of forefaul-our of Life and Goods, Ja. 1. p. 1. c. 3.

If any when required by the King disobey to enforce him against notour Rebel-ers against his Person, they shall be challenged as favourers of such Rebellers,

who passes in England, and resides there against the Kings will, shall be hol-

He who paffes in England, and refides there against the Kings will, shall be holden as a Traitor, Ja. 1. p. 9. c. 128.

To take assurance of English men is forbidden, under the pain of Treason, Ja. 1. p. 13. c. 141. And Ja. 2. p. 12. c. 51.

Who commits Treason against the Kings Person, or Majesty, rises in feir of Waragainst him, layes hands on his Person violently, of whatsoeverage he be, referts or supplies them that have committed Treason, and holds them against the King, or stuffs houses of their own, in furtherance of Rebels, or that assailzies Castles, or places where the Kings Person shall be, without consent of the three Estates, shall be punished as Traitors, Ja. 2. p. 6. c. 24.

To bring home Poyson is Treason. See Poyson, Ia. 2. p. 7. c. 30, and 31.

Persons suspect of Treason to be put in firmance, and their Goods under sure Burrows, untill they thole an Affile, Ja. 2. p. 12. c. 49.

That no man pass into England the time of War without leave, under the pain of Treason, Ja. 2. p. 12. c. 50. That none supply Berruick or Roxburgh, or pass away with Goods taken in Raids untill they be parted, under the pain of Treason, Joid.

with Goods taken in Raids untill they be parted, under the pain of Treason, 1bid. cap. 52.

If any man raise a fray in the Host wisfully without Cause, he shall be accused of Treason. And that these Acts be intimated by the Heads-men, when Raids are made in England, 1a. 2. p. 12. c. 54. See England.

A promise and Oath made by the three Estates, that none of them shall maintain, defend, be Advocats for, or stand at the Bar with manifest Traitors, common Men. stayers, Thieves, Reivers, and the like, except with their Kin and Friends, in obserwise, in defence of them in honest actions; but that they shall affish the King in doing lustice, and who fallzies herein to be punished after the old Laws of the Majesty, and other Laws, 1a. 3, p. 14, c. 98.

Wilfull Fire-raising declared to be Treason, and Crime of Lese-Majesty, 1a. 5, p. 3, c. 8. See Fire-raising.

Treason against the Kings Person, or Common-wealth, may be pursued against the Airs of the Traitor, for forefaulting his Estate and Memory, 1 am. 5, pas. 6, cap. 69.

the Airs of the Traitot, 10 Florestanting in State and Florestanting in State and Prelats place the time of the vacancy after their decease, is Treason, La. 5, p. 7, c. 125. See it in Prelat.

Traitors accused and declared in Parliament, being taken and slain upon suddenty, or otherwise, who moves question against, or any wayes injures the saids slayers therefore, incurrs the pain of Treason, Q. M. p. 4, c. 8.

That no Thief take any Scott-man, under the pain of Treason, La. 6, p. 1, c. 21.

See it in Thieft.

That none decline the Kings Authority, or impugn the Authority and Dignity of the three Estates of Farliament, under the pain of Treason, Ja. 6. p. 8, c. 130, and 131. See them in King and Parliament.

He who accuses another calumniously of Treason, if the Party be acquit incurrs the same Ctime, Ja. 6, p. 11, c. 49.

He who accuses another calumniously of Treason, if the Party be acquit incurrs the same Crime, Ja. 6. p. 11. 6. 49.

Landed-men convict of common Thieft, reset of Thieft, or Stouth, Reiff, ineurr the pain of Treason, that is tinsed of Life, Lands, and Goods, Ibid. c. 50.

Murrher and slughter of a Person under the rust, credit, assurance, and power of the slayer, is also Treason, and punishable as such, Ibid. c. 51.

How Charges of Treason should be execute by Heraulds or Maisers: See Ja. 6.
p. 12. c. 125. in Executions.

Willfull setting of fire in Coal-heughs, is declared to be treason, and punishable by the pains thereof. Iam. 6. p. 12. cap. 146.

See Mass, and Religion, and what is there made Treason.

there made Treason.

It is treason to call in question the Kings Prerogative, in Calling. Holding. Protoguing, or Dissolving Parliaments, or in authorizing their Acts, Car. 2. p. 1. Seff. 1. cap. 3.

It is high treason for the subjects, more or less, upon any Fretext, to rise, or continue in Atms, to maintain Strenghts, Forts, or Gartisons, to make Peace, or War, orto make Treasies, or Leagues with fortaign Frinces. or States, or among themselvs, without his Majesties special authority first Interponed, Ibid.

eap. 5.
That if any Person shall Plot, Contrive, or intend Death, or Destruction to The King, or any Bodily harm, tending thereto, or any restraint upon his Person, or to deptive, depose, or suspend him, from the Stile, Honour, and King-lyName, of this, or any other his Majesties Dominions, or to suspend him from the Exercise of his Government, or to levy Warr, or to take up Arms against him, or any Comm slionar by him, or to entile Strangers, or Others, to Invade any of his Dominions; and by Writing, Frinting, Preaching, or Other malicious, and Advised Speaking, Express, or Declare such their Treasonable Intentions, he shall be adjudged a Traitour, and punishable as in the cases of high Treason, Car. 2.

P. 1, Self. 2, eap. 2.

shall be adjudged a Traitour, and punishable as in the cates of high Treaton, Car. 2. p. 1. Seft. 2. cap. 2.

Act allowing Meffengers to execut Summons of Treaton is marked in the Index of the Imprinted Acts, Car. 2. p. 1. Seft. 1. Act 13.

In cases of Treatonable titing in Arms, and open, and manifest Rebellion against his Majesty, and his Authority, the Persons guilty, upon the Councils order, may be Prosecute, and Sentenced before the Justices, albeit absent, as if present, Car. 2: p. 2: Seft. 1: cap. 11.

It is high Treason to endeavour the Alteration, or Suspension, of the right of Succession.

Succession,
Assistation, and the afferting the Lawfulness thereof, declared to be Treason,
Bid. cap. 14. See it in Assistances.

THESAURER, See Exchequer. TRENT DECREETS, See Religion. TRESPASS, See Crime. TREWES.

That the dayes of Trewes with England be keept, Jam. 4. p. 2. cap. 11.

TUTORS, and CURATORS.

The nearest Agnat of twenty five years of age, to be Tutor of Law, albeit there be one nearest under age, Iam. 3. par. 7. cap. 52.

The Mother remaining Widow, preferred to the Tutor in Law, as to the cafe centioned in the Ads, Q: M: P. 4. cap. 5. and Jam. 6. p. 2. cap. 42.

That the nearest Agnat be preferred to the Tutory. of Fools, and furias Persons, according to the Commoun Law, Jam. 6. par. 10. cap. 18.

ous Persons, according to the Commoun Law, Jam. 6. par. 10. cap. 18. See Idistrie.

That no Tutor, nor Curator, to Pupill, Minor, Idiot, or Futious Persons not already entered in the Office, have power to Act, or medle with their writs, or means untill first he make Inventar of the Lands, Bands, Tickets, and Compts, and all Moveables under his Charge, at sight of the Freinds on the Father side, and on the Mother side. of which Inventar there shall be three doubles, to wit, for the Tutor, or Curator, and Freinds, on both sides subscribed by them all, and recorded before the Judge Ordinary, and in case the Freinds on either side, after Citation concurr nor, that the Inventars be made at sight of the Judge Ordinary, and Signed, Sealed, and Consigned as in the Act. That they also eeke asthings come to their knowledge, and within two Moneths after the attaining the Fossesian, and cause make an Act thereon, and leave two Duplicats in the Cletks hands, where the principal Inventar was made, and Debitors are not to oblidge to pay, until they see their sums contained in the saids Inventars, and if the saids Tutors, and Curators saill in the premisses, that they be lyable, both for Intromission, and Omission, and gene of allowance of expences, and be removeable as suspect, but prejudice nevertheless to the saids Minors, and Others, to super-charge their Tutors, and Curators. That all Girts of Tutory, proceed upon Citation, or confent, obtained in writ of the nearest of kin, on both sides, and that the Gists bear the same, or otherwise be declared null, at the instance of any obtaining a Lawfull Gist, Car. 2-p. 2. Sell. 3. cap. 2. Gift, Car. 2. p. 2. Seff. 3. cap. 2

TNION. Commission for treating anent the Union of Scotland, and England, Fundamental Laws, Rights, Offices, Dignities, and Liberties, Jam. 6. referving Fundamental Laws, Rights, Offices, Dignities, and Liberties, Jam. 6 p. 17. cap. 1. Act anent the Union of the two Realms, marked fig: 2. in the Lift of the Im-

Act anent ten of the two realms, market ng: 2. in the Litt of the imprinted Acts, lam. 6, par. 19.

Act authorizing certain Commissioners of the Kingdom of Sestland, to treat with the Commissioners of England, about a farther Union of both Kingdoms, Car. 2. p. 2. Sess. 2. cap. 1. Anno. 1670.

UNIVERSITY, and COLLEDGE.

Ast impowering the Magistrats of Free-burghs, in case they find Students, Burfares, and Masters of Colledges vaging, by night, or by day, within their Towns with Arms, to take their Arms from them, la. 6-p. 14-cap. 223.

That no Masters. Principals, Regents, or Froseliors, be admitted, or continued, in any University, or Colledge, unless they be pious. Loyal, and Feaceable, submixing to, and owning Episcopal Government, as now setted, and that they swear the Oath of Allegiance, and report a Certificat thereupon, as in the Ast, Car. 2-p. 1. Self. 2. cap. 4.

Ast for these Provision of the Market Provision of the Car.

five at the Oath of Allegiance, and report a Certificat thereupon, as in the Act, Cat. 2. p. 1. Self. 2. cap. 4.

Act to beter Provision of the Universities, ordaining upon the Offer made by the Clergie fifte pounds out of every Thousand merks of Bishops Rents, and Fourtie pounds, ox Sex per cent, out of every Thousand merks of Ministers Rents, to be payed yearly for five years, after the year 1664. inclusive, for the use of the saids Universities, in manner specified in the Act; as also the Vacant Stipends for seven years, after the Sexth of February, 1664, are appointed for the lame use, and the Fifty two Act, Sess 1. o. othis Parliament, is in so fare suspended, Car. 2. p. 1. Sess. 3. cap. 24.

Act ament Suspensions of Charges by Masters of Universities for their dues a Car. 2. p. 2. Self. 1. cap. 6. See It in Suspension.

Act aligning Vacant Stipends, for the better provision of the Professors, and Masters of the Universities, according to the division therein specified, and that for seven years, from the year 1672. inclusive, with the burden alwayes of upholding the Manses, and the former Act, Car. 2. p. 1. Self. 3. cap. 24. is declared void, Car. 2. p. 2. Self. 3. cap. 20.

Half a Moneths Cels imposed, and appointed for the University of St. Andrews, for betering their slock, to be uplifted in the years 1682, and 1683. Car. 2. p. 3. cap. 23.

III CIID

USURIE.

That Takers, or Makers of Bargains, for greater interest, or profite. for the can of money, then at the rate of Tenpounds, or Five Bols Victual, per cent, for ne year, be punished as Usurers, conform to the Laws of the Land. Jam. 6. p. 11.

loan of money, then at the rate of Ten pounds, or Five Bols Victual, per cent, for the year, be punished as Usurers, conform to the Laws of the Land. Iam. 6. p. 11. cap. 52.

Extended whether the same be taken upon Wadd, Pledge, Obligation, Act, or Contract. before hand, or after, and the Party payand, or oblidged for the said Usurie, if he reveale it, shall be discharged of the Debt, and if another reveal it, he shall have right to the sum, and the Receiver, or Contracter for the said unlawful profice, shall tine the stock, lam. 6. p. 14. cap. 222.

But the takers of the said unlawful profice, are declared to be punishable by Confiscation of Moveables, and otherwise, in their Persons, as Usurers, and that all Annual-rent in Victual, be reduced, and may be acquit by payment of Ten per cent; And all Bands, Contracts, or Infestments, made in defraud of this Act, either by way of Wodser, for a back-tack duty, exceeding the said Annual-rent, or under the Colour of buying, and selling, or by detention before hand, are declared null, by way of action, or exception, and the Party, with concurrence of the Kings, Advocat, or the Kings Advocat, or Otherwise, and being found, the principal, with the ordinar Annual-tent unpayed, belongs to the King, and his Donators and the Party, if he coacure, (and no otherwise) hath repetition of the exorbitant profites, Iam. 6. p. 15. c. 247.

And the meaning of this Act as to the probasion by Oath of Party, &c. therein mentioned, declared thus, that Usurie may be proven by Writ, or Oath of the Party Receiver, and by the Witnesses infert in the security, without taking the Oath of the Party giver, Iam. 6, p. 16. cap. 7.

That no Person lending, or giving out money for Annual, retain the time of the lending, or exact, or receive the Annual before the term, Jam. 6, p. 23.

principal, providing that the cap. 28.

It is Ulurie to take a proper Wodfet of Lands, exceeding in Rent the Annual-rent of the money lent, with a provision, that the Creditor shall not be lyable to the hazard of the Fraits, and Rents, Car. 2. p. 1. Sess. 1. cap. 62.

VACANT STIPENDS.

That all Vacants Stipends, and Benefices, be imployed for the supply, and reparation of the losses of such in the Ministry, or Universities, as were thrust out, and suffered for their Loyalty, in the late confusions, and of their Wives, and Bairns, and chart at the sight of the Council, without prejudice to the Relice, and Executors of Ministres, of their dues after the Ministers decembe, and this Act to endure for seven years, and longer, as his Majesty shall think fit, Car. 2. p. 1. Self. 1. cap. 52. See Manses.

VAGABONDS, See Beggers, Poor, and

That all men certific concerning Vagabonds, and suspect Persons, that they are be apprehended, under the pains due to these Vagabonds, Iam. 6. par. 12.

A& for establishing Correction Houses in the Burghs, and in manner mentioned in the A&, for idle Beggers, and Vagabonds, Car. 2. p. 2. Sess. 3. cap. 18.

VALENTINES.

The Kings close orders to Land-lords, and Chiftains of Clanns, to produce notable Limmers, which flould be obeyed, Jam. 6. par. 11. cap. 103. See it in Highlands.

VICTUAL.

That buyers of Victual, and holders thereof to a dearth be tepute as Ockerets, and so punished, and the Victual escheat to the King, Jam. 2. p. 6.

Cap. 22.

That none that buy Victual to fell again, hold more then will sustain them, and their menzie, till new Corn, under the pain of escheat of the Victual, and that all have power to buy, and fell Victual, and that none hold old stacks in their Yeards. longer then Zule, under the pains of escheat of the Stacks, Ibid.

order for threfhing out of Corns, then unthreshen, Iam. 2. p; 9: c: 37.
That no man hold Victual in Girnels, but allanerly for his own ule, and finally until Michaelmes then next, Ibid. cap. 38.
That no man hold more then will serve him, and his House for a quarter, and that the rest be presented in Mercat, Ibid. cap. 39. These three Acts seem to have been made for a pressing dearth.
That inbringers of Victual be favourably treated, and no new Custom taken off

That inhoringers of Victual be favourably treated, and no new Custom taken off them: Jam: 2: p: 10: cap: 40.

All men are tree to bring, and sell Victual, all the dayes of the week, as well as on the Mercat day, Jam: 4: p: 4: cap: 44.

That none carrie Victual forth of the Realm, under the pain of escheat of it, with the rest of the Owners Moveables; as also of the Skippers Moveables, who received it, Q. M: p: 6: cap: 40.

Another Act against the transporting of Victual, and Gudes, (See Bestial) either by Land, orby Sea, and for staying the transport of Victual by Sea, that the Ship, and whole gudes of the Master, and Clerk thereof be escheat; in case of Contravention, and their Persons imprisoned at the Kings will, and that Searchers be appointed by the Burgh, to search with the Kings Searchers, and the one half of the Victual found, to be escheat or the Kings, and the other to the Burgh, Iam. 6.

11. cap. 55. See Bestial.

That notice besaken what Victual Ships take in at their passing to Loch-broom, and the North Isles, to the Fishing in the Harvest, Ibid. cap. 57.

That Victual may be transported when under the prices following, Wheat.

Twelve pounds, Beat, and Barley. Eight pounds. Oats, and Pease. Eight merks. Per Boll, the former Acts notwithstanding, the Victual paying Custom, and Bullion as formerly, but the Lords of Privy Council when they find it necessary, may forbid this export. Cat. 2. p. 1. Set 3. cap. 1. 2.

Imposition of Three pounds Scots per Boll on Victual brought from Ireland, Ibid cap. 14. See Ireland.

Victual exported discharged of Custom, Bullion, and all dues, except one

Imposition of Three pounds Scots per Boll on Victual brought from Ireland, Ibid cap. 14. See Ireland.

Victual exported discharged of Custom, Bullion, and all dues, except one merk per Chalder, and the Lords of Council are authorized to declare the prices as inthe Ast, Car. 2: p: 1: Sess. 3. cap: 12. (above) and restrain this export when they see cause. Car. 2: p: 2: Sess. 14.

Act discharging the Importation of Victual from Ireland, Car. 2: p: 2: Sess. 3. cap: 3. See Ireland.

VIOLENT POSSESSOR.

That Violent Intruders, and Possessions of other mens Lands, be ejected by the Sheriff, upon the complaint of the Party. Jam. 2. p. 14. cap. 78.

WODSET.

Tacks set at the granting of Wodsets, to Commence after the Redemption, for half Maill, or thereby, not to be keept, but they should be set for the true Maill, lam. 2. p. 6. cap. 18. See it in Tacks.

That in case of proper Wodsets granted since the year, 1649. where the Rent exceeds the Annual-rent, and yet the Creditor is expressly freed of the hazard of the Fruits, and Rents, that the same be refrished to the ordinary Annual-rent, and the Superplus Rent compted for and imputed to the payment of the principal sum, and that all such Wodsets in time coming be juged usurarie; and where the Creditor bears the said hazard, yet if there be any Clausses Irritant in the saids Wodsets, the same are suspended for five years after Whissunday, 1661. As also the Debitor is allowed to reduce, at any Whissunday, or Maritmes he pleases, albeit by the right, the Redemption be suspended, but where the Creditor, and Granter of the Wodset, have transacted for an Irredimable right, the said Transactions are declared valide at what time soever the said Wodsets were granted; And farther because of the difficulties of former times, It is ordained that in case of any groper Wodset already granted, the Creditor in time coming during the not Requisition, or Redemption, upon offer made by the Debitor of sufficient security. For his Annual-rent, shall be holden to tenounce his Possessing, at least (if this he rather please) to restrict the same to his ordinary Annual-rent, and be comptable for the Superplus. Frowiding alwayes that the Creditor has got complear payment of his Annual-rents, for all years preceeding, all publick burdens,

expences of Meliorations, and loss whatsoever, being first discounted off, which Deductions, the Lords are to take any reasonable probation with the Creditors Oath in Supplement, and that where he is in natural possession with his own Goods, he be duly wained and removed: And it is declared that after this favour the like shall not be granted hereafter, as to lawful proper Wodlets, Car. 2. par. 1.

WARDEN of the BORDERS.

That the Warden choose such Deputes as he will stand for, and that the King assist him and his Officiars, Ia. 2. p. 6. c. 15.

That there be no Wardens of the Borders made in Fee, and that they judge not of Treason, or points of Dittay, saving what is needful for conservation of the Trews, Ia. 2. p. 11. c. 42.

That no man go away with Goods taken in the Wardens Raids before they be parted, under pain of Treason, Ia. 2. p. 12. c. 52.

The Warden may continue his Courts for three dayes, or shorter, Iam. 3. p. 11.

WARDEN of the CUINZIE. See

That there be a Warden for effaying the Cuinzie, Iam. 3. p. 13. c. 93. And his Office more fully fet down, Ia. 4. p. 1. c. 2.

WAIRD-HOLDING, and WARDATAR.

That the Wardatar required by the Sherifffind (overty not to deftroy the Lands, but to keep them in ficlike kind as he finds them, and that a reasonable Living be given to the Air, if he have no other Lands, la. 4. p. 3. c. 25.

Ratified, and the Sheriff and other Officiars firstly enjoyned to put it in execution, with power to charge for the faid foverty, la: 5; p: 4t c. 15.

The perfect age of an Air Male in Waird-Lands said to be twenty one years, and of an Air Female fourteen years compleat, Q. M. par. 3. c. 5. And Iam. 6. par. 2.

That such as hold Lands Waird of Few, cwm maritagie of the King, or of the Frince, componing therefore, and getting the same changed to Few, shall be free of the marriage, as to all other Superiours of whom they may hold other Lands Waird, siclike as if they had continued to hold of the King, or Prince, as formerly: But if they Annailzie their Lands so changed, then the Alienator and his Airs to have no longer the benefit of this Act, Car, 2. p. 1. Seff. 1. c. 58.

WAIRNING. See Removing.

That Wairning be made to Tennents fourty dayes before Whitfunday any time within the year, either personally, or at their dwelling places, and on the Ground of the Lands, and a Copy delivered to Wife or Servants, or failzieing thereof, affixed on the Gate of the dwelling place of the saids Lands, if any be, and thereafter the Frecept to be read in the Faroch Kirk where the Lands ly, upon a Sabbath before noon, the time of Preaching, or Frayers, and a Copy affixed on the Kirk door fourty dayes before the Term, Q: M. p: 6: c: 39.

WATER-METT. See Metts, and Measures. WAYES.

Wayes to Mercat Towns should be twenty Foot broad at least, and where larges, kept so. Cat. 2. p. 1. Self. 1. c. 32. See Justices of Peace.

Power and Rules given to the Sherists and Justices of Peace, to oversee and mend High-wayes. Bridges, and Ferries, and the Heretors in each Shire required to flent themselves, it needful, for that effect, not exceeding ten fishings on the hundred pounds per annum, and if the Justices negled, the charge is committed to the Council: As also, Letters of Homing and Poynding are ordained to be direct by the Council upon this Act, Cat. 2: p: 2: Self. 1: c: 16.

Act correcting the former as to the terms of mending therein specified, and referring it to the Justices at what time to call the Countrey to mend the Wayes, etc. Seed-time and Harvest excepted; and to take money, as in the Act, from such as by reason of their distance cannot attend, 1bid. Self. 2: c: 9.

WEAPON-SHAWING. See Militia.

That Weapon flawings be made in ilk Shire four times in the year, Ja. 1, p. 2, c. 44, And ficlike in Burrows, and that all men be sufficiently Hamished and Armed, Ja: 1: p: 3: c: 60. As also, that they be holden by Lords and Barons Spirimal and Temporal, four times in the year; and that the Foot-ball and Golff be cryed down, and Bow-marks made in each Paroch, and all betwirt twelve years and fifty use flooting, Ja: 2: p: 14: c: 64: And Ja: 3: p: 6: c: 45.

That all the Leiges be ready, well abuilzied for War upon eight dayes warning, to come to the King, or his Lieutennent. for defence of the Realm, surnified with Victual and Expences for twenty dayes after their coming: And that Sheriffs, and also Baillies of Regalities and Baronnies, hold the saids Weapon-shawings, and americal them that are absent, or not well abuilzied, as in the former Act, Ia: 3. p: 13: 6: 90.

p: 13: 6. 90.

That the faid Weapon-flawings be made as faid is, in all places convenient within the Shire, and that men be anarmed, as is prescribed in the A&, and at the discretion of the Sheriff, or the Kings Commissioner in that part, Is: 4. p: 3. cap. 31.

And that neither Foot-ball. or Golff, nor unprofitable sport for the desence of the Realm be used, but shooting and Bow-marks, as is before appointed. Ibid.

Realm be used, but shooting and Bow-marks, as is before appointed, Ibid. cap: 32.

That for keeping of Armour and Harness in time of peace, all Scotland make Weapon-shawings on Thursday in Whitsian-week, 13. 4. p. 6. c. 75.

That Weapon-shawings be made twice in the year, in the moneths of June and ORober, at such dayes and place as shall please the Sherist and Baillies to Burgh and to Land; And that the Mustless be taken by them, or the Kings Commissioner in that part, 1a. 5. p. 6. c. 85.

The manner of Harness and Weapon-shawings appointed, Ibid. c. 87, and 83. And that all coming to Weapon-shawings be inrolled, with the manner of that rams yeastly, Ibid. c. 89. And warnings to Weapon-shawings to be on twenty days, Ibid. c. 90. And that Captains one or moe be chosen in ilk Paroch, by the Sherist, and Baillie, with the Kings Commissioner in that part, by the advice of the most belie in the Shire, to Mustler their Companies twice each moneth for May, June, and July, and other moneths also if they may, at what dayes they shall think sit on Holy dayes before noon, Ibid. c. 91. See Militis.

WEAVER.

That no Weaver make any Searge under the breadth of an Eln and a Nail, Perpetuanaes under three Quarters and an half, and Wollen Cloath under an Eln and an Half, under the pain of twenty pounds, and the Cloath or Stuff to be confileat, half to his Majefty, half to the difference Car. 2. p. 1. Sell. 1. C. 42.

That they make Linnen Cloath of ten shillings per Eln, or above, an Eln and two chesbroad, under the pain of Imprisonment, and swenty pounds Fine, Ibid. c. Sec it in Linnen.

WEIGHTS. See Metts, and Measures.

That Bread, and all Butcher-Flesh be retailed by weight, and no otherwise, under the pain of an hundred pounds toties quoties, Car. 2. p. 3. c. 24.

WIFE.

That in Pecunial pains, Wives be weighed and confidered conform to the Blood

and State of their Husbands, Ia. 6, p. 7, c. 104.

That Wives be lyable in their Husbands Fines, and that their Husbands pay the fame for them; This Statute in the cafe of Sweating. Car. 2, par. 1. Seff. 1. c. 38.

But in the cale of Conventicling, the wife's Fine is but the half of her Husbands, and he is lyable for it, Car. 2. p. 2. Seff. 2. c. 5. See It in Conventicles.

WILDE BEASTS, and FOWL.

That no Wilde Fowl be taken from the beginning of Lentron until Angust, by no manner of Instrument, under the pain of fourty shillings, 1a. 1. p. 7. c. 109.

That Wilde Fowl for mansuse be reserved, but Fowls of Reiss, as Eirns, Gledds, &c. As also Ruiks and Crows be destroyed, 1a. 2. p. 14. c. 84.

That no man slay Dae, Rae, nor Decre in time of form, or their Kids while they be an year old, under the pain of ten pounds, 1a. 2. p. 7. c. 61. And Q. M. p. 6. c. 58. And the pain augmented to an hundred pounds, Ja. 6. pat. 14. cap. 21c. And all former Acts theteanent Ratisfied, 1am, 6. pat. 23. cap. 32. See Stalkers, and Thiets.

and Thieft.

That no man shoot at Deere, Wilde Beaft, or Wilde Fowl, with any fort of Gun, under the pain of death, and escheat of moveables, and that their Moveables be given for reward to their Apprehenders, Q. M. p. 4, c. 9. And p. 6, c. 51.

Renewed against such as shoot with Guns, or Bows, at Dae, Rae. Hinde, Hare, Cunning, Dove, Heron, or Fowl of River, under the pain of escheat of Moveables, and if the offender be Vagabond, having no Goods, to be punished by Impisionment fourty dayes for the first, and cutting off his right hand for the second fault, 1a. 6, p. 1. c. 16.

Ratified, and that the Judge Ordinar put the same to execution, under the pain of an hundred pounds for the first fault, and to be still doubled for each failzie thereafter; and that Heretors, when required, present the Offender living upon his Ground, under the pain to be exacted off him by the Judge Ordinary, 1a. 6, p. 7, c. 123. And both thir Acts Ratisfied, and the Crime ordained to be punished as the Crime of Thieft, 1a. 6, p. 11. c. 59.

Tag. And both fire Acts Actached, and the Crime of talened to be pursued as the Crime of Thieft, Ia. 6, p. 11. c. 59.

That who flayes Hart, or any Wilde Fowl at any time, with Gun or Girn, or shoots at Duck or Drake, or other Wilde Fowl with an Hagbut, incurrs the pain of an hundred pounds, or to be punished in their persons, Ia. 6, p. 14, c. 210. See this Act in Forrest.

And the Forreft.

And Forreft.

And the Forreft.

And Electric Half to the Apprehender; and in case of Inability, the Offender to be foourged: And all ludges to Burgh or Land, and Barons, are hereto made Juffices: And that none slay or eat Muit-Fours before the third of first, nor Ferridge-Fours before the eight of September. but Cunnings, Wood-cock, Flever, and Wild-Good are excepted from this Act, Ibid. p. 16. C. 23.

That none buy or fell any Wilde Fowl, that is Fours, Ferrridges, Muir-Fowl, Black Cocks, Gray Hens, Termigants, Quaillies, Capercaillies, &c. under the pain of an bundred pounds to the buyer of sellet, la. 6. p. 23. C. 30. See Hunting and Hausling.

WINE.

That none buy Wines from Flemings of the Dam, under the pain of eicheat, Ia.

1. p. 14. c. 147.

That none bring home corrupt or mixt Wine, and that none buy or fell it after it is declared to be fuch, and that no person mix Wine or Beer, all under the pain of death, Ia. 3. p. 12. c. 89.

That Wines brought in by the East and North Seas be fold, the Burdeaux Wine for twenty pounds the Tun, and ten pennies the Pint: And the Wines brought in by the West Seas, to be fold the Burdeaux Wine for fixteen pounds the Tun, and eight pennies the Pint: And the Wines brought in by the West Seas, to be fold the Burdeaux Wine for sixteen pounds the Tun, and eight pennies the Pint: And that no Taverner mix Wines, nor huird the same, but expose them to sale for the prices forefaid, under the pain of escheating of his Wines, and tin-fill of his Freedom, Q. M. p. 5. c. 11.

Ratified as to mixing and huirding of Wines, and the Magistrats of Burghs made Justices in that part, with power to leaze and hold Courts monethly for that effect, Ja. 6. p. 7. c. 126.

That no Wines be brought home without a Certificat of the price thereof, under the TownsSeal where they were bought, &cone Certificat be sufficient for the Wines of a Ship, and the price be made of the common prices that Wines give the time of the buying, Ja. 6. p. 11. c. 52.

That the Dury granted by the Estates to the King upon the Wines be payed withinten dayes after the arriving theteof, and that the Magistrats of the Burgh take Caution of the Metchant, Mariner, or home-bringer, for this effect: And that Letters of Horning on ten dayes be direct against the saids Magistrats, home-bringers, or their Cautioners, in the option of the Collector, on this Act, and that the Person Derrounced thereupon for disobedience, be not relaxed, untill he pay the double of the Dury, Ia: 6: p: 14. c: 206.

Custome of Wines. See Customs.

rfon Denounced thereupon for difobe tuble of the Duty, Ia: 6: p: 14. c: 206. Custome of Wines. See Customs.

WITCH-CRAFT.

That no man use any manner of Witch-craft, Sorcery, or Necromancy, nor give themselves out to have such Craft, there through abusing the people; And that no man seek any help or response, or Consultation at any such users, or abusers, under the pain of death, to be execute by any Judge Ordinary thereto having power, Q. M. p. 9. c. 73.

WITNESSES.

That hereafter only subscribing Witnesses be probative of the Parties Subscription, and that none in this case Subscribe as Witness, unless he know the Party, and saw him Subscribe, or heard him give warrand to the Notar, or saw him rouch the Pen, or heard him acknowledge his Subscription the time of the Witnesses Subscribing, otherwise they shall be repute and punished as accessory to Forgery. That hereafter none but Subscribing Witnesses be probative in Instruments of Seasing, or Resignation, ad remanentiam, or of Intimation, or in Messenges Executions of Inhibitions, Interdictions, Horning, or Arcestments, or in Executions of Suntmonds used for Interruption of Prescription in real Rights; And that in all the saids Cases the Witnesses be designed in the Body of the Writ, Instrument, or Execution, otherwise the fame to be null, Gar. 2. p. 3. c. 5.

COMMON WOMEN.

That Common Women be put at the outmost end of Towns, Ja. 1. p. 4. c. 74-

WOOD. See Forrests, Planting, and Thieft.

That the unlaw of Green Wood, by felling, or burning, be five pound. And at the old unlaw of Green Wood, as to the defiroyers, fland otherwise as before,

that the old unlaw of Green Wood, as to the unitoyers, and the contract of the pain of Laird, Plant at leaft an Aiker of Wood, where there are no great Woods or Forrests. Ibid. c. 74.

That the pain of destroying Green Wood, by cutting, peiling, burning, or selling, or of new Hainings, be forthe first time ten, for the second twenty pounds, And for the third time Death, Ia. 5. p. 4. c. 11.

That these A&be execute, and that the Judges ordinary hold two Courts yearly, at Passen and Martinest, for that effect, and cause Contraveners find Caution to desist under the pain of an hundred pounds, as oftas they shall contravene, Ia. 6.

D. 1. cap. 30.

P. 1. cap. 30.

That the stealers, peilers, or destroyers of Green Wood, or hained Broom, may be pursued before the Barron, Sherist, or Justice; and the pains, ten, twenty, and fourty pound, or Frison, Stocks, or Irons, for eight, sisteen, and thirty dayes, for the first, second, and thirt sault, 1s. 6, p. 6. c. 84.

That wilful Destroyers, and Cutters of growand Trees, boomished to the death as Thieves, 1s. 6. p. 11. c. 82.

WOLF.

That Barrons hunt and chase the Woolf, and the Woolfs whelps, four times a year; and as oft as they see them: And that the Tennents assist, la. 1. p. 7. cap. 105.

That the Sheriff and Bailie hunt the Woolf thrice in the year, betwirt St. Markeday, and Lambes: and that the Countrie rise with them for that end, la. 2. p.

WOOL.

That no Wool be transported out of the Kingdom, under the pain of Confication thereof, and of the Whole Remanent Goods of the Owners and Transporters. And that no Licence be granted contrary to this Aêt, but that the Putchalers and users thereof, incurre the same pains, Ia. 6. p. 7. c. 113.

This Prohibition is subjoyned to the Regulation then made of mens Apparel. That Wool be not transported to England, nor fold to any Englishman in Scotland of England, who transportes the same to England, under the pain of Escheat thereof, and of all the moveables of the actual Transporters. As also, of the Caufers and Sellers thereof to be transported, half to the King, and half to the Apprehender, and Wairding for six Moneths, and otherwise at the Kings will, annualing all Licences either granted or to be granted, Ia. 6. p. 12. c. 149.

These A&B Ratified, and all Licences in the contrary discharged; and the King promises, To grant no such Licences for hereafter, Ia. 6. p. 15. c. 250.

That no Native or Stranger export Wool, nor Skins with wool upon them, untill made in work, or put to the best avail, under the pain of the just value thereof, half to the King, and half to the Instormer and Prosecutor, and such farther punishment as the Exchequer shal appoint. That none fore-stale the Mercatof Wool, nor keep up the same to a dearth, under the pains a gainst Regraters and Fore-stallers. (see fore-shallers) and that for eschewing the deceit of putting stones or the like stuff therein. No Wool be wrapt up in the Fleece, under the pain of Consistence, half to King, and half to the discoverer and pursuer, Declaring alwayes, that the Exchequer may Licence the export of Wool and Skins, Cai. 2. p. 1. Sess. 1. c. 40.

WRITERS.

WRITERS. See Seffion.

That Clerks of the Signet be from to be faithful and fectet. Ia. 5. p. 5. c. 59. It. cm., what prices they foould take. ibid. c. 60. And that they mark their Bills with their names. ibid. c. 61. See the Acts in Seefion.

That Writers to the Signet Frame no Signature or Letter, to be past His Majolius hand, with any Novelty or Informality against the accussomed Stile, under the pain of Deprivation. And that they write their Names on the back of the Signature, as allowed by them, as they will answer at their highest perril, Ia. 6. p. 30. cap. 13.

Prices appointed for Writers, Clerks, and Keepers, and their Writs and Seals, la.

6. p. 23. C. 19. See Prices.

WRITS.

That all Original Writs and Evidents to be made after the first of Novemb. 1593.

ontain the Writers Name and Designation, specially insert in the end before the serting of the Witnesses, otherwise that the same make no faith, Ia. 6. p. 13.

That all Writs Subscribed hereafter wherein the writer and Witnesses are not de-figued be null, and not Supphable by a Condescendence on the Writer and Witnesses ses their Designations, Cat. 2. p. 3. c. 5. Anno 1681. See it in Witnesses.

FALSE WRITS. See Falshood.

YARES, See Orchard. YARES, See Cruves.

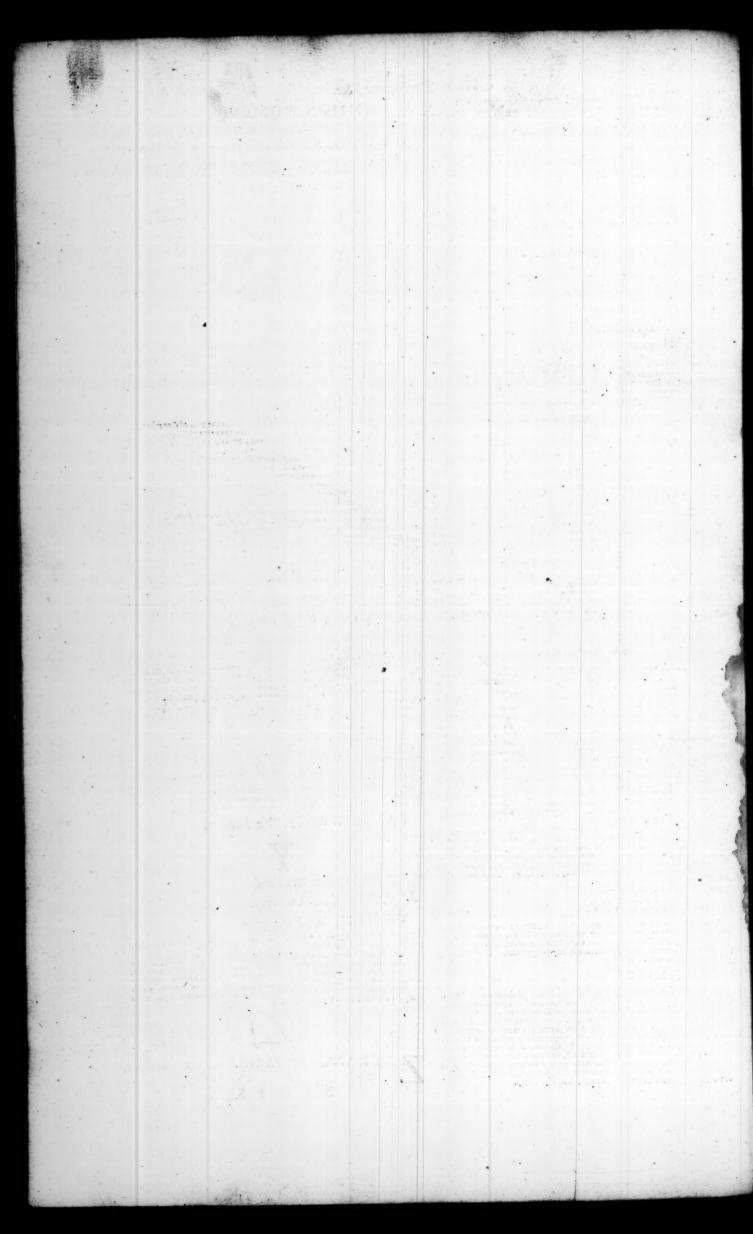
YOUTH, See Pedagogue.

That the Youth going out of the Kingdom, abide conflant in the true Religion, Iam. 6. p. 6. cap. 71. See Religion.

That fuch as fend their Jons abroad, have a special Care, this their stay may be where the true Religion is professed, specially where they want Fedagogues, st least where the Inquisition is not, and in case any of these Sons haunt the exercise of contrary Religion, these that have the Charge of them may be strained to find Caution, to surnish them no more money, except their reasonable expenses to bring them home, lam. 6, p. 20. cap. 2.

ZETLAND, See Orkney.

FINIS.



A TABLE OF ALL THE KINGS OF SCOTLAND,

Declaring what zeir of the warld and of Christ they began to reign, how lang they reigned, and quhat qualities they were of; Verie necessar for the manifestation of the dates of all Charters and Evidentes.

ERGUS, the first King of Scotland, the sonne of Ferquhard, a Prince of Ireland, began to reigne in the zeire of the warld, 3641. before the cumming of our Saviour Jesus Christ, 330. zeirs, In the first zeire of the 112. Olympiade: and in the 421. zeire of the building of Rome: About the beginning of the 3. Monarchie of the Grecians, when diexander the Great overthrew Darius Codomannus the last Monarch of Persia. He was a valiant Prince, and died Ship, broken upon the Sea-coast of Ureland. In the

liant Prince, and died Ship-broken upon the Sea-coast of Ireland, in the

liant Prince, and died Ship-broken upon the Sea-coast of Ireland, in the 25, zeir of his reign.

II Feritharis brother to Fergus, began to reigne in the zeire of the warlde 3666. in the zeire before the cumming of Christ 305. He was a good justitiar. In his time there was a Law made, that gif the sonnes of the King departed were so zoung, that they could not rule, that then in that caise, the nearest in bloud suld reigne, being in age sufficient for government, and then after his death, the Kings children suld succeide: quhilk law continued unto Kenneth the 3. his dayes, 1025, zeires almost. He was staine be the means of Ferlegus, Fergus his brothers sonde, in the 34 zeire of his reigne.

 zeire of his reigne.
 III Mainus King Fergus sonne, succeeded to his fathers brother, in the zeire of the warlde 3680. and in the zeire before the cumming of Chrift, 291. He was a wife and gud King, and died peaceably in the 29,

zeire of his reigne.

1111 Dornadilla succeeded to his father Mainus, in the zeire of the warld, 3709. In the zeir before the cumming of Christ 262. A gud King. He made the first lawes concerning Hunting, and died peaceably in the 28. zeire of his reigne.

V Nothains succeeded to his brother Dornadilla, in the zeire of the warld, 3738. And in the zeir before the cumming of Christ 233. He was a greedie and a cruel tyrant. He was slain by Dovalus one of his Nobles,

in the 20. zeire of his reigne.

VI Rentberus Dornadilla his fonne, began to reigne in the zeir of the warld 3758. In the zeir before the cumming of Christ 213. He was a

yald King, and died peaceably in the twentie fex zeir of his reigne.

VII Reusba succeeded to his brother Reusberus, in the zeir of the warld 3784. In the zeir before the cumming of Christ, 187. A gud King, He of his awne accord left the kingdom and lived a private life, when he had ruled 14, zeirs.

VII Therens, Reutherns sonne, began to reigne in the zeir of the warld 3798. In the zeir besore Christ 173. He was an unwise, cruel ty-rant: He was expelled and banished the Realme in the 12. zeir of his reign, be his Nobles: And Consus a wise and grave man, was made Goour of the land. He died in exile in the Citie of Yorke.

IX. Josina succeeded his brother Thereus, in the zeir of the warld 3810. In the zeir before Chrift 161. He was a quiet and gud Prince, A gud medicinar and Herbifter. He diedin peace in the twenty fourezeir

of his reign.

X Finnanus, Josina his sonne, began to reign in the zeir of the warld 3834. In the zeir before Christ 137. A gud King. He was meikle given to the superstitious religion of the Druydes. He died in peace in the 30.

zeir of his reign.

X I Durstus, Finnanus sonne, succeeded to his father in the zeir of the warld 3864. In the zeir before Christ 107. A cruel and a traiterous ty-

rant, slain be his Nobles in battel, in the 9. zeir of his reign.

XII. Evenus 1. succeeded to his brother Durstus, in the zeir of the warld 3873. In the zeir before the cumming of Christ 98. zeirs. A wife, just, and vertuous Prince. He died peaceably in the 19. zeir of his reign.
XIII Gillus, Evenus bastard sonne succeeded to his father, in the zeir

of the warld 3892. In the zeir before Christ 79. A craftie tyrant, flain in

battell be Cadallus, in the 2. zeir of his reign.

XIII Evenus 2. Donaldus (on, K. Finnanus brother, began to reign in the zeir of the warld 3894. In the zeir before the cumming of Christ 77. A gud and civill King. He died in peace in the seventene zeir of his

77. A gud and civil cong.

XV Ederms, Dochamus sonne, Durstus sonne, began to reign in the zeir of the warld 3911. In the zeir before the cumming of Christ 60. A wise, valiant and gud Prince. He died in the 48. zeir of his reign.

XVI Evenus 3. succeeded to his father Ederms in the zeir of the warld, three thousand, nine hundred 59. In the zeir before the cuming of Christ 12. A luxurious and covetous wicked King. He was taken be his nobles, and imprisoned, and died in prison, in the feventh zeir

of his reign.

XVII Metellanus, Ederus brothers sonne, began, to reign in the zeir of the warld 3966. Four yeires before Christs Incarnation. A very modest &c gud King. He died in the 39, yeir of his reign.

XVIII Carastacus, Cadallanus and Eropeia Metellanus sisters sonne, be-

gan to reign in the yeire of the warld 4005. In the yeir of Christ 35. He was a wife and a valiant King, and reigned 20. yeires.

XIX Corbredus 1. succeeded to his brother Caractaeus, In the zeir of the warld 4025. In the yeir of Christ 55. A wife King, and a gud justitiar. He

warld 4025. In the yeir of Christ 35. A wife King, and a gud justinar. He died in peace in the 18. yeir of his reign.

XX Dardannus, Nephew to Metellanus, began to reign, In the yeir of the warld 4042. In the yeir of Christ 72. A cruel tyrant. He was taken in battell, and beheaded be his own subjects, in the fourth yeir of his

reign.

XXI Corbredus 2 fur-hamed Galdus, Corbredus fonne, began to reign in the yeire of the warld 4046. In the yeir of Christ 76. A valiant and worthy King, for he had many warres with the Romaines, and was oft victo-rious over them. He died in peace in the 35, yeir of his reign. XXII Lugibacus, succeeded to his father Corbredus 2, in the yeire of the

warld 4080. In the yeire of Christ 110. A lecherous bloodie tyrant. He was slaine be his Nobles in the 3. yeir of his reign.

XXIII Mogallus, Corbredus 2 sisters sonne. He began to reign in the yeir of the warld 4083 In the yeir of Christ 113. A gud King and victorious, in the beginning of his reign: but in the end of his life, became inclined to tyrannie, lecheric and covetousness, and was slaine be his Nobles in

the 36 yeir of his reigh.

XXIIII Conarus, succeeded to his father Mogallus, in yeir of the warld
41 19. In the yeir of Christ 149. A lecherous tyrant. He was imprisoned be
his Nobles, and died in prison the 14. yeir of his reign: and Argadus a

his Nobles, and died in prison the 14. yeir of his reign: and Argasus a Noble man was made governour.

XXV Eshodius 1. Mogallus fisters sonne, began to reign in the yeire of the warld 4133. In the yeir of Christ 163. He was a gud Prince. He was slaine be ane Harper, in the 33 yeir of his reign.

XXVI Satraell, succeeded to his brother Eshodius 1. In the yeir of the warld 4165. In the yeir of Christ 195. A cruel tyrant. He was slain be his own Courteours, in the 4. yeir of his reign.

XXVII Donald 1. the first Christian King of Scotland, succeeded to his brother Satraell in the veir of the warld 4.160. In the veir of Christ 190. a

brother Satraëll in the peir of the warld 4169. In the yeir of Christ 199. a gud and a religious King; he was the first of the Kings of Scotland that cunzied mony of gold and silver. He died in the 18. yeir of his reign.

XXVIII Ethodius 2. Ethodius 1. Sonne began to reign in the yeir of the warld 4186. In the yeir of Christ 216. In unwise and base minded King, governed be his Nobles. He was staine be his own guard in the 16. yeir of his reign.

XXIX Athireo Succeeded to his father Ethodius 2. in the zeire of the warld 4201. In the zeire of Christ 231. A valiant prince in the beginning, but he degenerated and became vitious, and being hardly persewed be his Nobles for his wicked life, slewe himselse in the 12. zeire of his reigne.

XXX Nathalocus, brother sonne, as some writ, to Athires, began to reigne in the zeire of the warld 4212. In the zeire of Christ 242. A cruell tyrant, slaine be his Nobles, and cast away into a privie, in the 11. zeir of

XXXI Findocus, Athirco his sonne, began to reigne in the zeigne of the warld 4223. In the zeire of Christ 253. A gud King and a valiant, Slaine be seinzied Hunters, at the instigation of Donald, Lorde of the less his bro-

ther, in the 11. zeire of his reigne.

XXXII Donald 2. succeeded to his brother Findocus, in the zeire of the warld 4234 In the zeire of Christ 264. a gud prince, He was wounded in battell, and being overcome, died of displeasure in the first zeire of his

reigne.

XXXIII Donald 3. Lord of the 1les, brother to Findocus, began to reigne in the zeire of the warld 4235. In the zeire of Christ, 265. A cruell tyrant, slaine be Crathilinthus his successor, in the 12. zeire of his

XXXIIII Crashilinthus, Findocus sonne, began to reigne in the zeire of the warld 4247. In the zeire of Christ 277. A valiant and a godly king, he purged the land from the Idolatrous superstition of the Druydes, and planted the syncere Christian religion. He died in peace in the 24. zeire of his

XXXV Fincormachus, father brother fonne to Crathilinthus, began his reign, in the zeir of the warld 4271. In the zeir of Christ 301. A godly King and valiant. He was a worthy promover of the kingdome of Christ in Scot

land, He died in peace in the 47. zeir of his reigne.

XXXVI. Romachus brothers sonne to Crashilinthus, began to reigne in the zeir of the warld 4318. In the zeire of Christ 348. A cruell tyranossaine be his Nobles, and his head striken off, in the third zeire of his

reigne.

XXXVII Angusianus, Crathilinthus brothers sonne, succeeded to Romachus in the zeire of the warld 4321. In the zeire of Christ 351. A gud

King, flaine in battell be the Pictes, in the 3. zeire of his reigne.

XXXVIII Fethelmachus, another brothers sonne of Crathilinthus, he began to reigne in the zeir of the warld 4324. In the zeir of Christ 354. He was a valiant King, for he overcame the Pictes, and slewe their King. He was betrayed to the Pictes be ane Harper, and slaine be them in his

owne chalmer in the 3. zeire of his reigne.

XXXIX Eugenius 1. Fincormachus fonne, began to reigne in the zeir of the warlde 4327. In the zeire of Christe 357. A valiant, just, and gud King. He was slaine in battell be the Pictes and Romaines in the 3. zeir of his reigne. And the whole Scottish nation was utterly expelled the lle be the Pictes and Romaines, and remained in exile, about the space of 44. zeires.

Pictes and Romaines, and remained in exile, about the space of 44. zeires. XL Fergus 2. Erthus sonne, sonne to Ethedius, Eugenius the firste his brother, returning into Scotland, with the help of the Danes and Gotthes and his owne cuntrie-men who were gathered to him out of all cuntries where they were dispersed, conquered his kingdome of Scotland againe out of the Romaines and Pictes handes. He began his reigne, In the zeire of the warld 4374. In the zeire of Christ 404. He was wife, value and gud King. He was staine be the Romaines in the staine of the liant and gud King. He was slaine be the Romaines in the 16. zeire of his

reigne.

XLI. Engenius 2. Fergus 2. fonne, succeeded to his father, In the zeir of the warld 4390. In the zeir of Christ 420. He was a valiant and a gud prince. He subdewed the Brittones, and died in the threttie twa zeire of his

reigne.

XLII Dongardus succeeded to his brother Eugenius 2. In the zeir of the warlde 4421. In the zeire of Christ 451. A godly, wise and a valiant

prince. He died in the 5. zeire of his reigne.

XLIII Conflantine 1. succeeded to his brother Dongardus, In the zeire of the warld 4427. In the zeire of Christ 457. A wicked prince. He was slaine be a noble man in the lles, whose daughter he had defiled, in the 22. zeire

of his reigne.

XLIII Congallus 1. Dongardus sonne, began to reigne, in the zeire of the warld 4449. In the zeir of Christ 479. A gud and quiet prince. He died in peace in the 22. zeir of his reigne.

XLV Covanus, or Convanus, succeeded his brother Congallus 1. In the zeire of the warld 4471. In the zeire of Christ 501. A gud and a wise prince, he died in the 24. zeire of his reigne.

he died in the 34. zeire of his reigne.

XLyI Eugenius 3. Congallus sonne succeeded to his father: In the zeire of the warld 4505. In the zeire of Christ 535. A wise King, and a gud

of the warld 4505. In the zeire of Chrift 535. A wife King, and a gud justitiar. He died in the 23. zeire of his reigne.

XLyII Congallus 2. or Convallus, succeeded to his brother Eugenius 3. in the zeire of the warld 4528. In the zeire of Christ 558. A verie gud prince. He died in peace the 11. zeire of his reigne.

XLyIII Kinnatillus succeeded to his brother Congallus 2. in the zeire of the warld, 4539. In the zeire of Christ 569. A gud Prince. He died in the first zeir of his reigne.

XLIX didanus Conganus Sonne, began to reigne, in the zeir of the

XLIX Aidanus Contanus Sonne, began to reigne, in the zeir of the warld 4540. In the zeir of Christ 570. A Godlie and gud Prince. He died

warid 4540. In the zerr of Chill 570. It Godin and gud Finite. The order in the 35. zeire of his reigne.

I. Kennethus 1. fur-named Keir, Congallus 2. fonne, began to reigne in the zeir of the warld 4575. In the zeir of Christ 605. A peaceable prince. He died in the 1. zeire of his reigne.

LI Eugenius 4. Aidanus fonne, began to reigne in the zeire of the warld 4576. In the zeire of Christ 606. A valiant and a gud King. He died in the

LII Fergubard 1. succeeded to his father Eugenius 4. In the zeire of the arld 4591. In the zeire of Christ 621. a bluidie tyrant. He slew himselse

in prison in the 12. yeire of his reigne.

LIII. Donald 4. succeeded to his brother Ferquhard 1. in the zeire of the warld 4602. In the zeire of Christ 632. He was a gud and religious King, he was drowned in the water of Tay, quhill he was a fishing in

the 14. zeire of his reigne.

LIIII Ferqubard 2. fucceeded to his brother Donald 4. in the zeir of the warld 4616- in the yeir of Christ 646. A verie wicked man. He was bitten by a wolfe in hunting, of the quhilk insewed a sever whereof

he died in the 18, yeere of his reigne.

Ly Malduine Donald 4. his Son began to reigne in the zeire of the warld
4634. In the zeire of Christ 664-a gud prince, strangled be his wise who su-

fpected him of Adulterie, in the 20. zeire of his reigne.

Lyl Eugenius 5. Malduine his brothers sonne, began to reigne in the zeire of the warld 4654. In the zeire of Chrift 684. A talfe prince, flayne by the Pictes in battell in the fourth zeire of his reigne,

LyII Eugenius 6. Ferquhard 2. his sonne began to reigne in the zeire of

the warld 4658. In the zeire of Christ 688. A gud prince, hee died in peace

the warld 4058. In the zeire of Christ 688. A gud prince, hee died in peace in the 10. yere of his reigne.

LVIII Ambirkelethus Findanus sonne, Eugenius 5. sonne, began to reigne in the zeire of the warld 4667. In the zeire of Christ 697. He was slaine be the shot of ane arrow, by quhom it was shot it is unknawin, (a vicious prince) in the second zeire of his reigne.

LIX Eugenius 7. succeeded to his brother Ambirkelethus, in the yeir of the warld 4669. In the zeire of Christ 699. Hee died in peace in the warls 4669. In the zeire of Christ 699. Hee died in peace in the

17. yeire of his reigne. a gud prince.

Ambirkelethus sonne began to reigne in the zeire of the warld 4685. In the yeire of Christ 715. A gud prince. He died in the 16. zeire of his reigne.

LXI Esfinus Eugenius 7. his sonne, began to reigne in the yeire of the warld 4700. In the yeire of Christ 730. He died in peace in the 31. yeir of

his reign LXII Eugenius 8. Mordaeus sonne, began to reigne in the yeire of the warld 4751. In the yeire of Christ 761. a gud prince in the beginning of his reigne, and thereafter degenerating from his gud life, he is slaine by his

Nobles in the 3- yeire of his reigne.

LXIII Fergus 3. Etfinus sonne, began to reigne in the zeire of the warld

4734. In the yeire of Christ 764. A lecherous prince, poysoned by his wife

in the 3. yeire of his reigne.

LXIIII Solvathius Eugenius 8. fonne, began to reigne in the yeire of the warld 4737. In the yeire of Christ 767. A good prince, he died in peace in

the 20. yeire of his reigne.

LXV Achaius, Essinus sonne began to reigne in the yeire of the warld foure thousand 757. In the yeire of Christ 787. A peaceable, gud and godlie prince. He maid a league with Charles le maigne Emperour and King of France, quhilk remained in-violable keiped to this day. He died in th

32 zeire of his reigne.

LXVI Congallus or Convallus, Achaius fathers brothers fonne began e yeire of the warld 4789. In the zeize of Chrift 819, a gud

prince, he died in the 5. yeire of his reigne.

LXVII Dongallus, Solvathius fonne fucceeded in the zeire of the warld LXVII Dongallus, Solvathius sonne succeeded in the zeire of the warld 4794. In the yeire of Christ 824. A valiant and gud prince. He was drowned cumming over the river of Spey to war against the Pictes, in the seventh zeire of this reigne.

LXVIII Alpinus Achaius son, began to reigne in the zeire of the warld 4801. in the zeire of Christ 831. A gud prince. He was taken in battel and beheaded be the Pictes in the 3. yeire of his reigne.

LXIX Renneth 2. surnamed the Great, succeeded to his father Alpinus in the zeire of the warld 4804 in the zeire of Christ 834, a gud and a value of the warld 4804 in the zeire of Christ 834, a gud and a value of the warld 4804 in the zeire of Christ 834, a gud and a value of the warld 4804 in the zeire of Christ 834, a gud and a value of the warld 4804 in the zeire of Christ 834, a gud and a value of the warld 4804 in the zeire of Christ 834, a gud and a value of the warld 4804 in the zeire of the warld 4804 in the

in the zeire of the warld 4804 in the zeire of Chrift 834, a gud and a va-liant prince. He utterlie overthrew the Pictes in diverse battelles, expelled out of the land, & joyned the kingdome of the Pictes to the C

of Scotland. He died in peace in the 20- zeitre of his reigne.

LXX Donald 5. fucceeded to his brother Kenneth 2. In the zeitre of the varld 4824. In the zeire of Christ 854. A wicked Prince: he slew himselfe in the 5, zeire of his reigne.

LXXI Conflantine 2. Kenneth 2. his sonne began to reigne in the zeir of the warld 4829. In the zeire of Christ 859. A valiant prince. Hee was slaine by the Danes in a cruell battel stricken at Carraill in Fife, in the 16.

tiaine by the Dates in a chief of the series of his reigne.

LXXII Ethus furnamed Alipes, Conflantine 2. his sonne, succeeded to his sather in the yeire of the world 4844. In the zeire of Christ 874. A vitious prince, he was imprisoned be his Nobles, where he died in the 2. zeire of his reigne.

LIXXIII Gregorie furnamed the Great, Dong allus fonne, 2 began to reigne in the yeire of the warld 4846. In the zeire of Christ 876. A valiant, victorious and renowned prince throw the warld in his time: he died in peace

rious and renowned prince throw the wards to the series of the series of his reigne.

LXXIIII Donald 6. Conflutine the z. his sone, began to reigne in the yeire of the warld 4863, in the yeire of Christ 893, a valiant prince. He died in peace being loved of his subjects in the 11, yeire of his reigne.

LXXV Conflutine 3. Ethus Alipes sonne, began to reigne in the yeire of the warld 4874. In the yeire of Christ 904. He was a valiant King, yet he prospered not in his warres against England, and therefore being wearie of Manke, and died after he had reigned 40, yeirs as

King.

LXXVI Malcoluse 1. Donald 6. His fonne, began to reigne in the yeire of the warld 4913. In the yeire of Christ 943: a valiant prince and a gude justiciar: He was slaine in Marray by a conspiracie of his awin subjectes, in the 9. yeire of his reigne.

LXXVII. Indulfus Constantine 3. his sonne, began to reigne in the yeare of the warld, 4922. In the yeire of Christ, 952, a valiant and a gud Prince. He had manie battelles with the Danes, quhom he overcame, but in the ende he was slaine by them in a stratageme of weire, in the 9, yeire of his

LXXVIII. Duffus, Malcolme the first his sonne, began to reigne in the reire of the warld, 4931. In the yeire of Christ, 961. A gud prince and a severe justiciar. He was slaine be one Donald at Forres in Murraie, and was buried secretly under the Brig of a river beside Kinlosse, but the mater was revealed, and the murtherer and his wise, that consented thereto se-

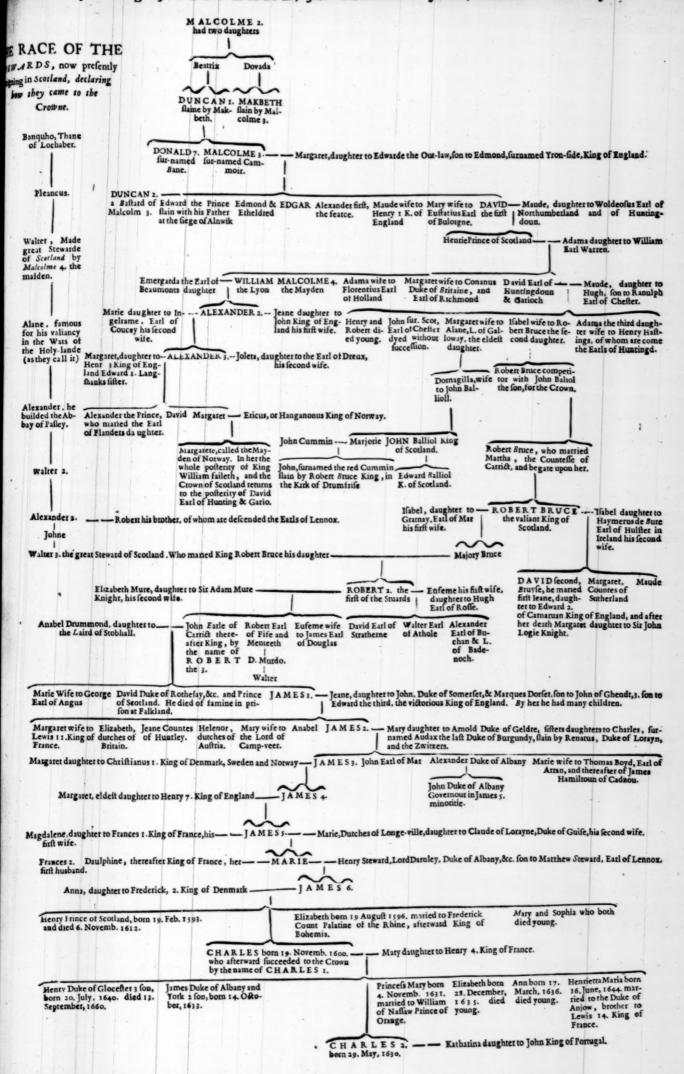
wasteveated, and the intitutered and inswite, that contented thereto reverely punished. He reigned 5. yeire.

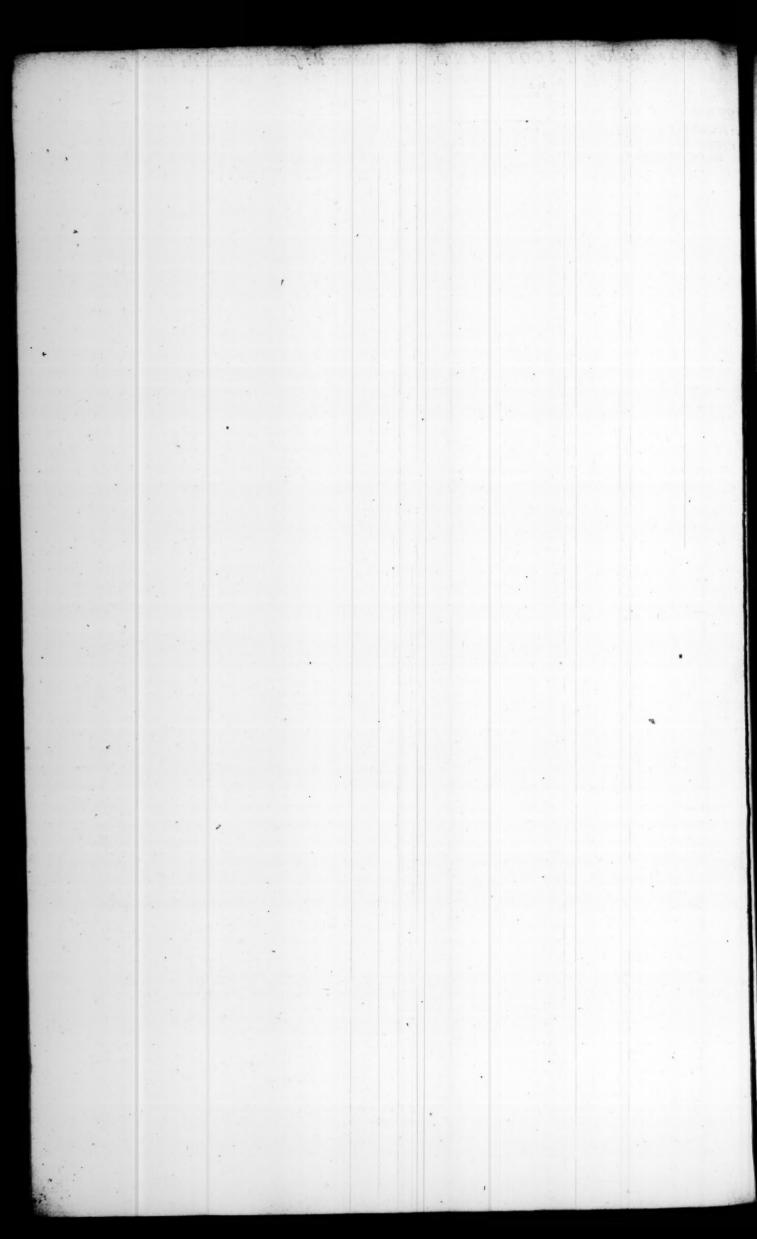
LXXIX Culenus, Indulfus Sonne, began to reigne in the yeire of the warld,4936. In the yeire of Christ 966. An vicious & an effeminate prince. Hee was slaine at Methven by Radardus a Nobleman, whose daughter he had defiled in the 4: yeire of his reigne.

LXXX. Kenneth 3. Duffus Brother, began to reigne in the yeire of the

warld, 4940 In the yeire of Chrift 970. A valiant and a wife prince: But in the end he became cruelly and flew Malcolme his brothers Sonne, and in Gods judgement, who suffereth not innocent bloud to be unpunssibled, he was staine by a strange ingine, ane Image fixed in an wall, at Fettircarne by the meanes of a Noble woman there, called Fenella, in the 24-yeire of his reigne.

LXXXI Con flantine 4. furnamed Calvus, Culenus Sonne, began to reigne in the zeire of the warld 4964. In the zeire of Christ 994. Ane usur-per of the Crown. He was staine in battell at the towne of Crawmond in Louthian in the 2. zeire of his reigne.





LXXXII. Grimus Duffus Sonne, began to reigne in the zeir of the ward 4966. In the zeir of Christ 996. a vicious Prince, he was slaine in battell by Malcolme 2. his fucceffour in the 8. zeire of his reigne.

LXXXIII.Malcolme 2. Kenneth 3. his fonne, begane to reigne in the Prince, quha maid manie gud lawes, of the quhilk a few are zit extant. He was flaine by a conspiracie of his Nobles at the Castell of Glammes, who after the flaughter, thinking to escape, were drowned in the Loch of Forsar, for it being winter, and the loch frozen and covered with snaw the use he was plained by the lock by the sea by the sand they fell is a label substantial to the sand they fell in the sighten with any the sand they fell is a label substantial to the sand they fell in the sighten with any the sand they fell is a label substantial to the sand they fell in the sighten with the sand they fell is a label substantial to the sand they fell in the sighten with the sand they fell in the sight they are said to the sand they fell in the sight they are said to the sand they fell in the sand they fell in the sand they fell in the sand they sand they fell in the sand they the yee brake and they fell in, In the righteous judgement of God. He reigned 30 zeires.

* The table is to follow on, in this place.

LXXXIII. Duncane 1. Beatrix, Malcolme the Second his daughters
Sonne, began to reigne in the zeire of the warld 5004. In the zeire of
Christ 1034, agud and a modest Prince. He was slaine by Macbeth
traiteroussie, in the fext zeire of his reigne.

traiterouslie, in the fext zeire of his reigne.

LXXXV Mackbeth, Dovada Malcolmethe second his daughters Sonne, began to reigne in the zeire of the warld, 5010. In the zeir of Christ, 1040. In the beginning of his reigne he behaved himselse as a gud and just Prince, botthereaster he degenerated into a cruell tyrant. He was slayne by his Successor Malcolme 3. in battel, in the 17 zeir of his reign.

LXXXVI. Malcolme 3. furnamed Cammoir, Duncane 1. his fonne, began to reigne in the zeit of the warld, 5027. In the zeit of Christ. 1057.a very religious and valiant Prince: He maried Margaret, daughter to Edward, surnamed the Out law, Sonne to Edward, surnamed Yronside, King of England. a verie gud and religious woman, according to these times, who bare unto him sex sonnes, and two daughters, the sonnes. were, Edward the Prince, Edmound, Etheldred, Edgar, Alexander, David, the Daughters were Mathildin, or Mande, furnamed Bona: wife to Henry 1. furnamed Beauclere King of England, of whose vertues is extant that auld Epigramme.

Prospera non latam fecere, nec aspera tristem, Prospera terror ei, aspera risus erant. Non decor effecit fragilem, non sceptra superbam, Sola potens humilis, sola pudica decens. That is.

Prosperitie rejoysed her not, To her griese was no paine, Prosperitie affrayed her als, Affliction was her gaine. Her beautie was no cause of fall; In royall state not prud, Humble alone in dignitie, In beautie onely gud.

She founded the Kirk of Carleill. The other daughter was Marie, wife to Eustainius, Earle of Boloigne. King Malcolme builded the kirkes of Durchame and Dumfermeline: He was slaine with his Sonne Prince Edwarde, in the 36. zeir of his reigne, at the sege of Anwick, be Robert Mowbray, sur-named Pearce-eie, and was buried at Tinmouth, but there-

after he was removed to Dumfermeline.

LXXXVII. Donald 7. furnamed Bane, usurped the Crowne, after the death of his brother, in the zeir of the warld, 5063. In the zeir of Christ, 1093. And was expelled in the first zeir of his reigne by Duncane 2. King Malcolmes 3. bastard sonne.

IXXXVIII. Duncane 2. usurped the Crown, in the zeir of the warld 5064. In the zeir of Christ 1094. A rash and foolish Prince: He was slaine be Makpendir the Thane of the Meirnes, when he had reigned little o-

ver a zeir be the procurement of Donald 7.

Donald 7. maid King againe in the zeir of the warld, 5065. In the zeir of Chrift, 1095. and reigned 3. zeires. He gave the West and North Iles to the King of Norway, for to assist him to attein to the Crown of Scotland. He was taken captive by Edgar, his eies put out, and died miscra-

LIXXXIX Edgar, Malcolme 3. his sonne, began to reigne in the zeire the warlde 5068. In the zeire of Christ 1098. He builded the Priorie of the warlde 5068. of Coldingham. He was a gud prince. He died at Dundie without succession, and was buried at Dunfermeline, in the 9. zeire of his reigne.

XC. Alexander 1. fur-named Fearce, fucceeded to his brother, in the zeite of the warld 5077. In the zeite of Christ 1107. A very gud and valiant prince. He builded the Abbacies of Scone and of S.Colmes-Inche. He maried Sybilla, daughter to William Duke of Normandie, &c. He died in peace without fucceflion, at Striviling, in the 17. zeire of his reigne, and was buried at Dumfermeline.

XCI. David 1, commonly called S. David, King Malcolme 3. his zon-

fucceded to his brother in the zeir of the warld 5094. In the geft sonne, succeded to his brother in the zeir of the warld 5094. In the zeire of Christ 1124. A gud, valiant and religious prince, according to these times. He builded manie Abbacies, sik as Haly-rude-house, Kelfo, Jed-burgh, Dun-dranan, Cambuf-kenneth, Kinloffe, Mel-roffe, New-bottle, Dumfermeline, Holme in Cumberland, and twa religious places at New-castle in Northumberland. He erected toure Bishoppricks, Ross, Brechin, Dumblane and Dunkeld. He maried Mande, daughter to Woldeofus Earle of Northumberland and Huntingtoun, and Iudisha, below the Mande of Brogland, he daughters daughter to William the Conquerour King of England, be whom he had one fonne named Henry, a worthye and gud zouth, who maried Adama, daughter to William, Earle Warren, who bare unto him three fonnes: Malcome the Mayden, William the Lion, and David Earle of Huntingtoun (concerning whose posteritie looke the Table) and twa daughters, Adama wife to Florentius Earle of Holland, and Margaret wife to Conanus Duke of Brittaine. He died before his father. S. David died in eace at Carleill in the 29. zeire of his reigne, and was buried at Dum-

XCII. Malcolme 4. fur-named the Mayden (because he would never marie) succeeded to his gud-schir David 1. In the zeire of the warlde \$123. In the zeire of Christ 1153. A gud and meik prince. He builded

the Abbay of Cowper in Angus, and died at Ied-burgh, and was buried at Dumfermeline in the 12, zeire of his reigne.

XCIII William, fur-named the Lyon, fucceeded to his brother Malcolme 4. In the zeire of the warld 5135. and in zeire of Christe 1165. A gud and a valiant King. He maried Emergarda, daughter to the Earle of Beau-mount, He builded the Abbacie of Aber-brothok, and she builded the Abbacie of Balmerinoch. He died at Striviling in the 49. zeire of his reigne, and was buried at Aber-brothok.

XCIIII Alexander 2. succeeded to his stather William, in the zeire of the warlde 5184. In the zeire of Christe 1214. Agud prince: He maried

the warlde 5184. In the zeire of Christe 1214. A gud prince: He maried Ieane daughter to Iohn King of England, he whom he had no succession. After her death he maried Marie daughter to Ingelrame Earle of Coucey in France, he whom he had Alexander the thirde. He died at Kernerie in the West Iles, and was buried at Melrosse in the 35, zeire of

his reigne.

XCV Alexander 3. Succeeded to his father, in the zeire of the warld \$219. In the zeire of Christ 1249. A gud prince. He maried first Margaret daughter to Henry 3. King of England, be whom he had Alexander the prince: quha maried the Earle of Flanders daughter, David and Margaret quha maried Hangonanus, or as some call him, Ericus, son to Margaret 4. King of Norway, who bare to him a daughter, commonly the standard of the profession of the standard of the profession of the standard of the stan Margaret quha maried Hangonanus, or as some call him, Ericus, son to Margaret quha maried Hangonanus, or as some call him, Ericus, son to Margaret, etc., who have to him a daughter, commonly called the Mayden of Norway, in whom King William his whole posteritie failed, and the crowne of Scotlande returned to the posteritie of David Earle of Huntingtoun, King Malcolme 4, and King William his brother, After his sonnes death (for they died before himselse without succession) In hope of posteritie, he maried Ioleta, daughter to the Earle of Dreux in France, be whom he had no succession. He builded the croce Kirk of Peibles. He died of a fal off his Horse upon the sands betuixt Eater and Wester King-horne, in the 37. zeire of his reigne: And was buttied at Dunssermeline. tried at Dumfermeline.

tried at Dusnfermeline.

After the death of Alexander 3. quhilk was in the zeire of the warld 5255. In the zeire of Christ 1285. There were Sex Regents appointed to rule Scotland, for the South-side of Forth, were appointed Robert, the Arche-bishop of Glasgowe. Iohn Cummin, and Iohn the great Steward of Scotland. For the North-side of Forth, Mak-duss Earle of Fife, Iohn cummin Earl of Buchan, and William Fraser, Arch-bishop of Sanct-Andrewes, who ruled the land about the space of seven zeires, quhill the controversie was decided betuixt Iohn Ballioll and Robert Bruyse, Gud-schire to Rober Bruysethe King of Scotland, cummed of the twa eldest daughters of David Earle of Huntingdoun: for Henrie Hassings, who maried the zongest daughter, put not in his sure with the rest, and therefore there is little spoken of him.

XCVI Iohn Ballioll (of whom look the Table) was preferred to Ro-

there is little (poken of him. XCVI lohn Ballioll (of whom look the Table) was preferred to Robert Bruyse, to be King of Scotland, be Edward 1. surnamed Lang-Jbankes King of England, who was chosen to be judge of the controversie, upon a condition, that he suld acknowledge him as superiour: quhilk condition like an unworthy man he received. He began his reigne in the zeire of the warld \$263. In the zeire of Christ 1293. He was a vaine-glorious man, little respecting the weill of his cuntrie. He had not reigned fully foure zeires, when he was expelled be the saide Edwarde, and leaving Scotland, departed into the partes of France, where he died long

fully foure zeires, when he was expelled be the faide Edwarde, and leaving Scotland, departed into the partes of France, where he died long thereafter in exile. And fo Scotland was without a King and governement, the space of nine zeires: during quhilk space, the saide Edwarde 1. Lang Shankes, cruelly oppressed the lande, destroyed the whole auncient monuments of the Kingdome, and shed meikle innocent blood.

XCVII Robert Bruyse (concerning whom look the Table) began to reigne in the zeire of the warld 5276, in the zeire of Christ 1306. A valiant, gud and wise King. In the beginning of his reigne, he was subject to great miserie and affliction, being oppressed be England, but at length, having over-com and vanquished Edward 2. of Carnarvan, at the teeld of Bannock-burne, he delivered Scotland from the slaverie of England, and set it at full libertie, all Englishmen by force being expelled out of the land.

out of the land.

out of the land.

He maried first Isabell daughter to the Earle of Marre, who bare unto him Marjorie, Walter, the great Steward of Scotlande his wife (concerning whom, and the race of the Stewardes, this day ruling in Scotland, looke the Table) after her death, he maried Isabel daughter to Haymerius de Bure, Earle of Hultonia or Hulfler in Ireland, who bare unto him David 2. Margares the Countes of Sutherland, and Maude that died zong. He died at Cardros, and was buried at Dumfermeling in the twenzie-foure

zeire of his reigne.

zeire of his reigne.

XCVIII David 2. Bruyse, succeeded to his father in the zeire of the warld 3300. In the zeire of Christ 1330. A gud prince, subject to meikle affliction in his youth, being first after the death of Thomas Ranulph his regent, sorced to flee into France, for his owne savegard, and then returning hame, was tane at the battell of Durhame, and was halden 12. zeirs almost captive in England: but thereafter he was restored to his liberty. He maried first seughter to Edward 2. King of England, and after her death he maried Management. He maried first Ieane, daughter to Edward 2. King of England, and after her death he maried Margaret Logie, daughter to Sir Iohn Logie knight, and died without succession at Edinburgh, in the 40. zeire of his raigne, and was buried at Haly-rude-houfe.

XCIX Edward Ballioll, fonne to Iohn Ballioll, usurped the Crowne

of Scotland, being affifted be Edward 3. King of England, in the zeir of the warld 5302. In the zeire of Christ, 1332. But he was expelled at length

be David 2. his Regents, and David 2. established King.

C. Robert 2. fur. named Blear-eie, the first of the Stewardes, son to Walter C. Robert E. Iur-named Bitar-ete, the first of the Stewardes, son to Walter Steward, and Mariorie Bruyse K. Robert Bruyse his daughter, succeeded to his mothers brother, in the zeir of the warld 5341 in zeir of Christ 1371. A gud and a peaceable prince. He maried first Euseme daughter to Hugh Earle of Rosse, who bare unto him David Earl of Strathern, Walter Earle of Athol, and Alexander Earl of Buchan, Lord Badzenoth: After her death for th' affection he bare to his children , begotten before his fust mariage he maried Elizabeth Mure, daughter to Sir Adam Mure knight, Who had borne unto him Iohn, thereafter called Robert 3. Earle of Carriet: Robert Earle of File and Menteith and Eufeme wife to Iames Earle of Dowglas. He died at Dun-donald the 19. zeire of his reign, and was buried at Scone. CI Robers 3. fur-named Iohn Farne-zeire, fucceeded to his father, in

the zeire of the warde 5360. in the zeire of Christ 1390. A quiet and peaceable Prince: He maried Inabell Drummond, daughter to the Laird of Stobhall, who bare unto him David, the Prince, Duke of Rothesay, that died in prisone of verie extreame famine at Falkland, and Iames the first taken captive in his voyage to France, and deteined a captive, against all equitie, almost the space of 18. zeires in England. He died of displacature. at Rothefay, when he heard of the death of the one fonne, and captivitie of the other, and was buried at Paifly, in the 16. zeir of his reigne.

Robert Earle of Fife and Menteith governed Scotland, in the zeire of the warld 5376, in the zeire of Christ 1406. He died in the 14. zeire of his go-

wernement. lames 1. being a captive in England.

Murdo Steward succeeded to his father, Robit Earle of Fife, in the government of Scotland, in the zeire of the warld 5390. In the zeire of government of Seotland, in the zeire of the warld 5390. In the zeire of Christ 1420. And ruled foure zeires, James 1. zit being a captive in England. Both the father and his sonne Walter were executed thereafter for

oppression of the suffer and his sonne watter were executed thereaster for oppression of the subjectes be lames 1.

CII Iames the first began to reigne in zeire of the warld 5394. In the zeire of Christ 1424. He was a gud, learned, vertuous and just prince. He maried leane daughter to lohn Duke of Summerset and Marques Dorect, sonne to lohn of Shendt, 3. sonne to Edward 3. the victorious King of England, who bare unto him James the 2-and sex daughters Marting of England, who bare unto him James the 2-and sex daughters Marting of England. garet wife to Lewes 11. the Daulpine, thereafter King of France, Elizabeth the Duches of Britaine, Iteme countes of Huntley, Eleonor Duches of Auftria, Marie wife to the Lord of Camp-vere, and Anabella. He was flaine at Perth traiterouflie be Walter Erle of Athole and Robert Grahame and their confederates, in the 31. zeire of his reigne, gif we count from the death of his father: and in the 13. zeire, gif we count from his deliverance out of England, and was buried at the Charter house of Persh quhilk he builded.

land, and was buried at the Charter-houseof Perth quhilk he builded.

CIII James the 2. succeeded to his father, in the zeire of the warlde
3407. In the zeare of Christ 1437. a Prince subject to great troubles in his
youth. He maried Marie datighter to Arnold Duke of Geldre, Sisters
daughter to Charles, surnamed Andax, the last Duke of Burgundy &cc.
who bare unto him three sonnes, James the 3. John Erle of Mar, Alexander
Duke of Albanie. and Marie wise first to Thomas Boyde, Erle of Arrane,
and after his decourting to James Hammiltoun of Cadzou. He was slaine ar
the sege of Roxbrugh in the 24. zeare of his reigne.

CIIII James 3. succeeded to his father in the zeire of the warld 5430.
in the zeire of Christ 1460. A Prince corrupted by wicked Courtiers. He

in the zeire of Christ 1460. A Prince corrupted by wicked Courtiers. He maried Margaret daughter to Christianus 1. surnamed Dives, King of Denimarke, Normay and Sweden. He was slaine at the field of Bannock-burne,

imarke, Normay and Sweden. He was llaine at the field of Mannotk-burne, n the 29. zeire of his reigne, and was buriedat Cambuf-kenneth.

CV James 4. fucceeded to his father, in the zeire of the warld 5459. In the zeire of Christ 1489. A noble and courageous Prince. He maried, Margaret. Eldest daughter to Hemry 7. Erle of Richmond, King of England and Elizabeth daughter to Edward 4. In whose twa persones the twa houses of Lancaster and Yorke were united, and the bludie civill weires of England pacified. He was slaine at Flowdon be England, in the twentie five zeire of his reigne.

CVI James 5. fucceeded to his father in the zeire of the warld 5484.

In the zeire of Christ 1514. A just Prince and severe. He maried first Magdalen daughter to Frances 1. King of France, who died shortlie thereafter without succession. After her he maried Marie of Lorayne, Duches of Longe-ville, daughter to Claude Duke of Guise. He died at Falkland in the

29. zeire of his reigne, He was buried at Halirude-houfe.

CVII Marie succeeded to her Father James 5. In the zeire of the warld 5513. In the zeire of Christ 1543. a Princess verteouslie inclined. She married first Frances 2. Daulphin, thereafter King of France, then after his death, returning hame to Scotland, she married Henrie Steward Duke of Albanie, &cc. Lord Darley, sonne to Mathew Erle of Lennox. (a comelie Prince, Pronepnoy to Henrie 7. King of England) to whome she bare James the 6. She was put to death in England 8. Febr. 1586. after

18. zeires captivitie.

CVIII James 6. A gude, Godlie and learned Prince, succeeded to his Mother, in the zeire of the warlde 5537. In the zeire of Christ 1567. He married Anna Daughter to Frederick the Second King of Denmark, And Sophia Ufricus the Duke of Meckelburgh his Daughter, quha hes borne unto him alreadic Henrie Frederick the Prince, the 19. Febr. 1593. borne unto him alreadic Henrie Frederick the Prince, the 19. Febr. 1593. and Elizabeth, 19. August. 1596. and Charles Duke of Albany, 19. November, 1600. And upon the death of Queen Elizabeth, he succeeded to the Crowne of England, and was Crown'd King at Westminster, 25. July. 1604. He had also by his wise Queen Anna, two other Daughters born in England. Lady Mary, and Lady Sophia, who both died young. Prince Henry died upon the sexth of November, 1612. Lady Elizabeth was married to Frederick the 5. of that name, Count Palatine of the Rhine, afterwards elected King of Bohemia, by whom she had many Children. King James died at his palace at Theobalds in England, 27. March, 1625. when he had reigned 22. years over Great Brivain and Ireland.

CIX King Charles the first, Anincomparable Prince, for pietic, learning and vertue; succeeded to his Father, in the year of the world, 5606.

CIX King Charles the first, An incomparable Prince. for pietie, learning and vertue; succeeded to his Father, in the year of the world, 5595, and in the year of Christ, 1625. He married Mary the daughter of Henry the 4. King of France, and Mary the Daughter of Francis great Duke of Tuscany, of the Noble Family of Di-Medices, in year, 1625. He had issue by her Charles Prince of Wales (Our present Sacred Soveraign) born 29. May, 1630. His Royal Highness James Duke of Albany and York, born 14. October 1633. And, Henry Duke of Glorester, born 20. July, 1640. And had four Daughters, Princess Mary, who was born 4. November, 1631. and was Married 2. May, 1641. to William Nasam Prince of Orange, and had to him one Son, William Prince of Orange, who now liveth; She died 24. December, 1660. His second Daughter, the Lady Elizabeth, She died 24. December, 1660. His second Daughter,

and had to him one Son, William Prince of Orange, who now liveth; She died 24. December, 1660. His fecond Daughter, the Lady Elizabeth, was born 28 December, 1635. His third Daughter Lady Ann, was born 17. March, 1656. who both died young. His fourth Daughter Lady Henrieta Maria, was born, 16. Jane, 1644. and married to the Duke of Anjow, Brother to Lewis the 14. prefent King of France; she died in the year, 1670. The Duke of Glosesser died in the year, 1670. The Duke of Glosesser died in the year of the Bullick mock tryall of a pretended High Court of Justice at Wesser, and by some of his most rebellious and persidious Subjects, was execute and suffered Martyrdome before his own Palace at Whitehall, 30. January, 1649.

CX King Charles the second, agreat, wise, most mercifull, and Magnanimous Prince succeeded to his Father, in the year of the world, 5619. in the year of Christ, 1649. He was Crown'd King of Seosland, at Scoone, 1. January, 1651. and after nine years exile, by a rebellious, prevalent party in England, was in the year 1660. miraculously, and wonderfully, restored peaceably, to the Royall Throne of his Ancestours, and to the Crowns of Great Britain and Ireland, and was Crown'd at Wesser 23. April, 1661. He married Katbarina Insanta of Portugal, Daughter to John King of Portugal, and Donna Lucia, Daughter to the Duke of Medina Sidmia. He is now presently King of Great Britain and Ireland, whom God Almightybles, and long preserve, and may the Lineall Succession of that Royall Family (under whose happy Government this Kingdom hath flourished these 2012, years, in an un-interupted Line) continue by a just, and Lineal Descent while the Sun and Moon endure.

FINIS.



De verborum significatione,

THE EXPOSITION OF THE TERMES AND DIFFICILL WORDES, CONTEINED

IN THE FOURE BUIKES OF REGIAM MAJESTATEM, and uthers, in the Acts of Parliament, Infeftments, and used in practique of this Realme, with diverse rules, and common places, or principalles of the Lawes.

Colletted and Exponed be M. JOHN SKENE, Clerke of our Soveraine Lordis
Register, Councell and Rolles.

And now Re-printed by His Majestie's special Command.



EDINBURGH,

Printed by DAVID LINDSAY, Anno DOM. M. D. C. LXXXI.

CUM PRIFILEGIO.

TO THE READER.

Have rather opened and schawen ane occasion to the gud Reader, to perform this warke, then exponed, or declared the samin; being an matter nocht pleasand in it self, nor treated be uthers of before: Gif I have preased to do weil, or attempted that, quhilk uthers may accomplish and make perfite, the profite and commodity redounds to thee, quha at thy pleasure, may big upon this little ground and fundament. Gif utherwaies be errour or ignorance, I have nocht satisfied thy desire and expettation, Sic erranti medicina consessio. For ane absolute memorie, and perfite knawledge, in na thing erroneous, is proper to God, and not competent to man. Quhat ever I have done, I did it not to offend thee, or displease any man, but to provoke uthers to do better, alwaies for thine awin weil, be warre to reprehend my doings, floward from ane benevolent, and gude mind: except thou be affured to be reprehended of na man, quha cumis after thee and fall censure thy doings. I am affrayed of all Readers, for ilk man hes his awin Judgement and opinion, guhairof their is als mony contrarieties, as diversities of persons. Advise therefore, and or thou do any thing rashly, gif thou may, transact and agree with all the posteritie, that albeit thou doe aswel as Homer in his Poesse: nane of them be unto thee, successor or imitatour of Zoilus: so great is the varietie of ingines, and inclinations, that nane can be sure fra reprehension. Reade therefore, and make thy profite of gud thinges. Correct modestly al errours, quhilks are ignorant, and nocht wilfull. Eik all necessaries omitted. Cut away al superfluities adjected. And whatever thou do, esteeme of me, as I do of thee and of al, to guhais knawledge, this my little labour shall bappen to cum. And swa.

> Vive, Vale: si quid novisti rectius istis, Candidus imperti: si non, his utere mecum.



THE

EXPOSITION

Of the difficil words and termes, conteined in the four Buikes of

REGIAM MAJESTATEM.

And uthers: In the Acts of Parliament, Infeftments, and used in the practicque of this Realme, with divers Rules, and commoun places, or principall grounds of the Lawes.



CTILIA, Armour, Weapons, Harnishing, Sta. 2. Roberti Bruyse. c. ordinatum 27. Quhair itis statute that ilk man havand Ten pounds worth of gudes fall have for the defence of his body and Realme, ane fufficient Acton, and bafnet, with gluifes of plait, an speir, ane sword, and quha-fa-ever hes nocht ane Acton, and basnet, sall have ane sufficient habitgion, or ane trong jacke. an Knapiska of Irong and cluifer

Inct, fall have ane futficient habirgion, or ane Irone jacke, an Knapiska of Irone, and gluifes. Swa that ilk man fall be readic cum actilis; or harnefus fuss, under the pain of efcheit of all his guides, the ane halfe thereof to the King, and the uther halte to his Maifter, and Lord. Action ane aulde Frenchie word, Hocquesaile to his Mailter, and Doid. Outs are and retined word, in the season, quhilk corruptile is pronunced often, fagum militare. Sum affirmis Allon to be an aud kinde oi armour, for prefervation of ane mans bodie, anaid of Steill or Irone, quhilk covered his head alfweill as the reft of his bodie: Quhairof zit fum are extant as auld monumentes in the Hiclandes; Bot nocht dailie ufed, or worne. Uthers mair probable alledgis Abon, to be ane forme of armour, quhilk covers ane mans bodie (except his head) downe to his knee, maid of Taffitie, Ledder, or Linean claith, ftuffed with caddes, and stiked verie thick with threid, or slike of divers coullers, and partial gilt, with spranges or streames of Gold fullzie; And is commonlie used in time of battell under the habingeon, to

filke of divers coullers, and partial gilt, with spranges or streames of Gold fuilzie; And is commonlie used in time of battell under the habirgeon, to save ane mans bodie, fra the schot of ane arrowe: or fra the bruising of the straik of an sword. It is an kinde of that abuilzement, quhilk in Latine is called wessis virgata, waris virgis seu aureis lineis distincta, or variegata, ut est illud Virgilii seneid. 8. Virgatis lucent sagulis.

A C T O R N A T U S Lib. 4. c. siquis defendens 46. astor, alienorum megatiorum gestor, utherwaies in the Laws of this Realme called responsalis, quha makis answer for ane uther in judgement, speciallie for the desender, Lib. 1. c. Esto. 27. Lib. 3. c. Placita. 12. cum seqq. Like as Prolocutor is he quha speaks for the persewer, as his forespeaker. Lib. 1. c. consequenter 13. Assward astory and dois ony thing in an uther mans name or behalfe, As he quha compeiris for an uther in Courtes, or Justice aire, to pass upon inquesites, and serving of retoures, to the Kingis Chapel, or to give presence for him, quha sendis him. For he quha aucht baith sute, and presence in onic Court, suld nocht onlie send an sutour to decide actions, and causes, conforme to the Law, but also suld compeir personally, or send an Actornay, qubilk also he suld do, quha aucht presence allanersie, for ather he suld compeir, or ane Actornay for him, with the seall of his Armes, the quhilk all friehalders, dwelland within the schireftsome, are oblished to do, in al Schirest courts. I. 1. p. 9. c. 130. In justice aires Actornayes, suld be honest and sufficient persons of discretion. Ja. 1. p. 3. c. 35. And Astornasus susstinitaris, is taken for the Justice depute quon. astach. c. prapositus. 61. Ass. Reg. Da. c. nullus 10. Astornay is not onlie the procuratour quha is sent: Bot also the procuratorie or mandat quhilk sigiven to him, and zit they are different, for an procuratorie is commonlie maid be ane privie man: And an Actornay called litera Astornauss, is granted be the King, or onie uther, havand procuratorie is commonlie maid be ane privie man: And an Actornay called litera Alfornatus, is granted be the King, or onie uther, havand Chappell Star. Rob. 3.c. us. generallie, in omnibus negotiis, loquelis, oplacitis motis, seu movendis. And therefore the Lordes of Session decerned ane requisition of ane aire, anent his mariage, maid be ane Actornay; to be null. Because all sike requisitiones suld be maid be the superiour,

or be null. Becaute ali inte requilitiones fuil de maid be the superiour, or be ane procuratour havand speciall power, to that effect.

A D J U R N A T U S, ane French word, summoned or called to ane certaine date, like as Adjurnamentum is called an summonds, or citatio, summonitio, Quhilk is defined, certi diei or loci exhibitio partibus, ad diem legalem, quoniam attach. c. 1. Praceptor meus Matthaus Wesenbecius in paratitl, Tit. de in jus vocando. Nu. 13. desint virationem, ut sit allus allus in called in summonities. diem legasem, quennam avocando. Nu. 13. definit cirationem, ut sit attus in paratitil, Tis. de in jus vocando. Nu. 13. desinit cirationem, ut sit attus Judicialis, seu Judicii praparatorius, quo is quem coram sisti opus est, Judicialis, seu seguime vocatur, Juris experiundi causa. Et Assis dicitur adjornata ad alium cerium diem. That is continued to ane certaine daie. Lib. 4. c. Si Petens. 57. O curia dicitur respectuatu. That is continued or respectuatu. That is continued or respectuatu. Stat. 2. Rob. Br. c. Item quacunque. 34. Chessaus in consuetudines Burgundia Rub. 1. Sest. 6. verb. messers o serients. Nu. 38. multa (inquit) sun nomina, qua idem important, ut est citatio, in jus vocatio, monitio, edictum, demunciatio. conventio, o aliud quod in culvari nostro dicimus, adjurnamentum. Adjournal is the lustice aire; as ane

is vocatio, monitio, edictum, demunciatio. conventio, or aliud quod in vulgari nostro dicimus, adjurnamentum. Adjournal is the lustice aire, as ane act of Adjournal, so called, because it is maid in the Justice air. vid. Iter. ADVOCATIO Ecclesia, Isthericht of patronage, or the title and richt to present onic person to ane Kirk vacand, and noch havand and lauchfull Ecclesiasticall person to rule and governe the samin. Lib. anclauchull Eccletialticall person to rule and governe the samin. Lib.

2. c. Dos. 19. Lib. 3. c. sequitur 30. Dicitur autem advocatio Ecclessa, volquia patronus alieujus Ecclessa, ratione sui juris, advocat se ad eandem Ecclessam: & assert sein eam habere sus patronusus, eamque esse quass sua clientis loco. Vel potius cum aliquis (nempe patronus) advocat alium, jure suo, ad Ecclessam vacantem eumque loco alterius (velusi defun. Aromso

Ei) prasentat, & quassexhibes. In the English Lawes it is called, A. Kirkes,
vowson of Kirkes.

vowson of Kirkes.

AFFIDATIO, Lib. 2. c. unde 49. In the quhilk place, Mutua affidatio, is taken for ane mutuall faith, trueth, and obligation of fidelitie, quhilk is betuixt the wife and the husband. And sicklike it signifies the mutual league, and band of fidelitie, quhilk is betuixt the over-lord, and his vassal, quha are bound and oblished hinc inde to uthers, quhilk is called an analysis of behive it should be a sure of a sure of a sure of the sure of t mutual league, and band of notifie, quitte is de to uthers, quhilk is called his vaffal, quha are bound and obliffined hise inde to uthers, quhilk is called mutua dominii & homagii fidelitatis connexio. lib. 2.c. mutua os. In fik fort, that how far the vaffall is bound be reason of homage to his superiour: sa far the superiour is oblished to his vaffal, except reverence and honour allanerly, for the ane suld obey and serve his master: the uther suld interteine and defend his man. And the vaffal suld honour and reverence his master as his superiour: But the master suld not reverence the vaffal suld not reverence the vaffal. his master as his superiour? But the master suld not reverence the vassal? for like as of the Law, there is na soveraintie, nor impyre amangis them that are pares, conforme to the rule of the Law, par in parem non habet imperium. Even swa, the superiour is not oblished to make onie reverence to his inferiour, bot suld receive honour fra him. Item Distinction, (h. c. insinicitiarum capitalium denanciatio, quhen ane defies an uther, and gives up kindnesse with him) is contrair to Assidatio. Baish the ane and the uther is driven a side, vel sidelitate: or fra ane word used in the sews. Faida, that is battell, seid, injurie, hatred. As we commonlie say deidlie feid. And samina dicitur saidam non sacere, gl. in Sect. alt. de lege conradi. ii. 2. defend: be reason wemen be the Law, are nocht subject to weirfair, to battell, or proclamation maid for that cause.

AMERCIAMENTUM, or FORIS-FACTUM Caria. The malaw or amerciament of a court, for absence in lawfull time, for

The un-law or amerciament of a court, for absence in lawfull time, for

of conres.

ane fault, trespas, or ony uther cause, as is manifest in the Register, in the action persued be the Thesaurar contrar the burgh of Perth, 16. Decem 1541. The un-law in the Chalmerlanis aire or court, is fiftie schillings: and twa schillings to the Serjandes of the burgh of ilke un-law. The un-law before the suffice on the North pairt of the water of Forth, aucht Kye, ane colpindach to the Crowner, and twa schillings to the Clerke. And in the South-side of the water of Forth, as in Louthian, & betwixt the water of Tyne, and Forth, ten pundis, and ane colpindach, or thretic pennies to the Crowner, and twa schillings to the Clerk. In the Schireffe-court, it sudd nocht exceed sextene schillings, and twa schillings to the Clerke, or ane colpindach, or threttle pennies. In the Barrone court the samin lawes & un-lawes, sudd be keiped, qualities are used in the Schireffe-court. In the court of them quia haldis of Barrones, and are called milities, these un-law is half of their superiours un-law. The un-law of them quia are called subarmigeri, is ane Kowe, ane zowe, or three schillings. rette-court. In the court of them quita halds of Barrones, and are called milities, their un-law is half of their fuperiours un-law. The un-law of them quita are called fubermigeri, is ane. Kowe, and zowe, or three (chillings, leg. Male. Mak. c. 4. The un-law within Burgh fuld not exceed the fumme of aucht fehillings, leg. burg. c. for if attum 42. The un-law of them quita compeirs nocht in Parliament, being lauchfullie warned thereto, is ten pounds. Iz. 1.pri. Ulli p.4.c. 32. & p. 5.c. 90. Ouhilk is like-waves the compeiris nocht in Parliament, being lauchfullie warned thereto, is ten pounds. Ia. 1.pri. Iulij p.4.c., 32. & p. 5.c., 99. Quhilk is like-wayes the n-law of them quha compeiris nocht in general! Councelles, quhilk now is altered be the newe act of Parliament, maid be OUR SOVE. RAINE LORDE King James the Sext. 29. Iulij. p.11.c.34. Quhair it is statute that everie Earle sall pay three hundred pounds; ilk Lorde twa hundreth poundes; llk Prælate ane hundreth poundes: And everie Burgh ane hundreth markes, incase it sall happen onie of them to be absent fra the Parliament.

absent fra the Parliament.

ANNEXATION, And Latine word, quhilk fignifies and fast knitting and binding, as quhen and thing is bund or knit with and uther and baith as it were united togidder, and incorporate in ane. As quhen ony Lord-shippes, landes, Castelles, Customes, Offices, Fischinges, or they were an annexed to the Course to remain and the latin things. ther rents are annexed to the Croun, to remaine perpetually their-with quhilk is called incorporatio, quando bona aliqua, velus terra, rediguntur in corpus fisci, cum corum scribitur Inventarium, manu publica, consistens coquhilk is called incorporatio, quando bona aliqua, velut terra, rediginutar in corpus fifci, cam eorum seribitur Inventarium, manu publica, continens eorum nomina eo qualitates, eo ita ponumur in numero rerum fiscalium l. sequando 3. eo ibi gl. C., de bonis vacan. lib. 10. In the Lawes of this Realme their istwa kindes of annexation: The ane quhilk may be called tacita, quhairin the word of Annexation is nocht expreemed, bot uther wordes equivalent theirto. The uther is expressa, quhilk conteins manisest mention of annexation or union. The first forme is used in the daies of king David the secund 6. Novem. 13 57. quhair it is statute & ordaned, that al lands, rents, and possessiones, quhilkis of auld perteined to the crown, or the Ringis domaine and propertie. suld all and hail, and perpetuallic remaine in the hands and possession of the King, for his sustentation & living, without ony alienation theiros. And sik-like 27. Septem. 1367. with consent of the three Estaites, it was statute for the Kingis better sustentation, and living, that all rents, sermes, kanes, customes, forrests, offices, and uther emolumentes quhar-sum-ever: And also all landes, alswell the propertie, and uthers, in possession quhairos King Robert. Is father to King David the second, deceased as of sie; and that all possessions, & landes quhilkis perteined to the richt and propertie of the Crown, the time of the said King Robert, or of King Alexander the third, or of the said King David the second, successed as of sie; and that all possession, with all advocations of Kirkes, and all service perteining theirto; To remaine perpetuallie with the Crown, nocht-withstanding onic alienation theiros, maid to onic person, and that na disposition theiros be maid thereafter, without consent of the three Estatis. And gif onic person had onic of the faides andes laboured with his awin pleuch: It was ordained that he fuld asie onie perion, and that ha dispolation theirof be maid thereafter, without confent of the three Estatis. And gif onie person had onie of the saides laboured with his awin pleuch: It was ordained that he suld paie alsmeikle ferme and dewtie therefore, as the samin micht gudlie pay, or as onie uther lands as gud, and alsmeikle, used to pay. And siklike all the great and small customes, and barrow mailles of the Realme, are ordaned to abide, and remaine with the King, till his living, hears and mail to abide and remaine with the King, till his living, be ane act maid be Ia. 1. Parl. 1. c. 8. Of the fecond forme of Annexation quhairby landes, possessiones and uthers, per expression, are annexed, united, and inte diverse and sindrie examples are extant in the actes of Parlia-cerning the proffites theirof, quhilkis are extant, pendentes or nondum confumpti, the time of the faid intromission, the king, or his comptrollar maie intromet their-with, in the samin maner, as he maie intromet with the landes, Iure foli, quia fructus pendentes, et extantes censentur pars solid.

And tuitching the fructes, and proffites of the landes quhilkis are spended, and consumed; The King and his comptrollar, aucht & suld repeete the samin fra the possession, and uptakers of the saidis fructes, of all zeires of their intromission there with be waite of action, because they are constant.

unlauchful disposition of the Kings annexed property, ar male sides pos-session of the famin against the manife't law of this Realm. the ignorance quhairof excusis na inhabitant of the samin. And mair-over, trew it is that the foresaid forme of intromission with the Kingis

annexed landes, and repetition of the proffices theirof, hes bene in use and practik fea the making of the actes of Parliament theiranent: Likeas in the beginning of the reign of King Idmies the Fourth 18. Ian. 1488, the landes and Lord-ship of Brechen, and Nevar were taken fra David Earle of

The fecond

fumed and spended. Quhilk deed consistand in satto, suld necessarily be proven be ordinar waie of action. To the quhilk hail profites the King hes gud richt, in respect that of the Law, male side i possession, can never acquire and conqueis to himselfe, onie sruckes or profites, ather extant. or consumed. And trew it is that all thay, quha receivis ony infestment or unlaw full discount of the Kings appeared property or male sides to support the state of the Kings appeared property.

Cramfurd. and ane terme affigned to proove against him, the avail of the mailles and dewties of the saides Landes with the pertinentes, intrometted with be him, sen the time of the gift thereof. Item the King propertie may intromet with his annexed propertie, and proffices their of, quhidder he be Major or minor. For gif their be na lauchfull dissolution of the same ar perpetuall, and induris continuallie, ay and quhill ane lauchfull dissolution, the annexation ceasis, and sleepis, and the dissolution being ended be decease of the maker their of, the said annexation beginns to quicken and sing revivoisere; In sik fort that the King guha succeidisto the maker of the said dissolution may fet na sewes of his annexed propertie, be vertew of the dissolution made be his predicessour, bot mon make ane new dissolution to the effect foresaid. Quhilk sault and vice, I finde in divers and sindrie insessments of the propertie; and specially in the minoriand findrie infeftmentes of the propertie: and specially in the minori-tie of King James the Fifth, quhilkis are wrangeously given be vertew of the disolution maid be King James the Fourth, his Father. vid. Disso-

ANNUELL ane word used in the practik of this Realme, for an zeirelie revenue, or dewty, payed at certaine termes, ather legal, quhilks are called termini legales vel legitimi, prescrived and appoynted be the law of this Realm, sik as Martin-mes & Whit-sonday; Or conventional as pleasis the partiestill agree and appoynt, be paction and contract, as betwix Zule and Candl-mes, or onic uther time. In the Actes of Parliament maid be Queene Marie 4. Parlia. 29. Maij, c. 10. mention is maid of ground annuell, few annuell, and top annuell, quhairof I have red nathing in onic uther place: and am incertain quhat they do fightific: bot referris the famin to the judgement and opinion of the Reader. Alwaies ground annuell is efteemed to be quhen the ground and propertie of onic land bigged or unbigged, is difponed and annualled for ane annuell to be retreated to the annual control of the sample of the annual control of the a Alwaies " payed to the annalier theirof, or to ane uther person, fik as onie Chaip-laine or Priest. Top annuell is ane certaine dewtie, given and disponed surth of onie bigged tenement, or land, of the qubilk tenement the propertie remains with the disponer, and he is onlie oblished to pay the faid annuell. Few annuell, is ather quien the few maill, or dewtie is dif-poned as an eyeirlie annuel. Or quien the land, or tenement is fette in poned as ane yeirlie arinuel. Or quhen the land, or tenement is fette in few-ferme heretablie for ane certaine annuell to be payed nomine feudifirma. The annuell of Norwaie quhairof mention is maid in the actes of Parliament of King James the third, and in the Register of this Realm, was ane annuell of the summe of an hundred markes, sterling money, quhilk the Kings of this Realme was oblished to pay yeirlie to the King of Norwaie, for the cause after specified. Because Donald Bane, brother to King Malcolme Chimmoir, wrangeouslie after the decease of his brother usured the richt of the Crown against his brother sones, Edgar, Alexander, David, and uthers. And for help, and supplie, gave all the lies of Seosland to the King of Norway, quhairthrow, and for uther occasiones, monie bluidie and cruell battalles followed, untill the battell of Larges 3. August. 1263. In the time of King Alexander the third. And Acho King guff, 1263. In the time of King Alexander the third. And Acho King of Norway: Quha thereafter in the famin zeire 22. Januarie departed in of Norway: Quha thereafter in the samin zeire 22: Januarie departed in Orknay. And the Scottis beand victorious, Magnusthe fourth of that name, King of Norway, sonne to the said Acho, maid peace and concorde, with the said King Alexander in anno; 1266, and renunced, quite-chamed, and discharged all richt, or title, quhilk he or his successors had, or micht have, or pretend to the sles of Scotland. The King of Scotland payand theirsoir yeirlie to the said Magnus, and his successors are annuell of ane hundreth marks, sterling money. Quhilk contract and agreeance was ratisfied, and confirmed be Haquinus King of Norway, the fifth of that name, and Robert the first, King of Scotland, in anno 1312 Bor at the last the said annuell, with all the arrierages, and by-runnes thereof, was laft the faid annuell, with all the arrierages, and by-runnes thereof, was discharged, and renunced simpliciter, in the contract of marriage between King James the third, and Margares, onlie daughter to Christianus the first, King of Norway, Denmark, and Sweden, 8. Septemb. 1468. Quhilk dicharge is nocht onelie ratified, bot also renewed thereafter be the said Christianus 12. Maii. 1469. And like-wise the said King James the third. 24. Fe. 1483. commanded his Ambassadours send to the Paip, to desire contribution of the said perpetuall renunciation, and discharge of the contribution of the lies.

contribution of the Iles. ARAGE, utherwaies Average, from Averia, Quhilk fignifies and beaft, as falbe hereafter exponed: And fwa confequentile Average, tignifies service, quhilk the tennent aucht to his maifter, be horse, or cariage of horse 18. Jan. 1501. John Stewart contrait William Blair. In the act of Parliament Ja. 4. p. 2. c. 10. It is written Avarage. And likewise, in the indenture at Perth pen. Mart. 1371. betwist Robert Steward Earl of Menteith upon the ane part, and Dame Isabell Countes of Fise, on the uther part, it is plainly written, sum Avaragis & Cariagis. In the qulail kindenture, the said Isabel dauchter and aire to Duncane Earle of Fise, & spouse to Walter Stewart brother to the said Robert, in the time of her Widuitie, after the decease of her said husband, oblished hir, to resigne the said Earledom of Fise, in the Kingis hands in savour of the said Earle, for new heritable insessment thereof, to be given to him. The quhilk indenture is subscribed be Ibannes Rollo, quha was secretary to the said Earle. And conforme thereto, resignation was maid: for the quhilk scho received zeirlie for her sustentiation, an hundreth sourie sive pounds, sterling money. Like as also the said Isabell 22. Junii 1389. resigned ad perpetuam remanentiam, in the hands of K. Robert the third, the Barrone of Strathurd, Strabraun, Discher, Toyer, with the lee of Tay, lyand within the Schirefage of horse 18. Jan. 1501. John Stewart contrair William Blair. In the act ternamentiam, in the hands of K. Robert the third, the Bartone of Neshirel-Strabraun, Difeber, Toyer, with the Ile of Tay, lyand within the Schirel-dome of Perth. The Baronne of Coull, and Oneil, with the fortalice their. Land perof, and patronage of the Kirk of Kineardin within the Schirefdome of A- tenin berdene, the Barrons of Crumdail, and Affyn, within the Schireffdome Grow of Innernes, the landis of Strahovie, and Abrandolie, within the Schireffdome of Famf. The lands of Logyachry, within the Schireffdome of Perib,

the Barronie of Calder, within the Constabulation of Linlithon, and Schireffe-dome of Edinburgh, and the landes of Kellynfyth, within the Schireffe-dome of Striviling. This I thoucht gud to advertise the reader how the Earledome of Fife and uthers landes foresaids, perteined to the Course. Duke Murdo sonne to the said Erle of Fife, being foresaids. Crowne. Duke Murdo sonne to the said Erle of Fife, being foresalted And that be King sames the First. 1424. The said Earledome was decerned to remaine perpetuallie with the Crown, like as it dois, as ane spe-ciall pairt of the annexed propertie. As also the Lord-ship of Methores within the Schireffedome of Perth, and the barronic of Kellie, within the

Scheriffedome of Forfar, did fall in the handes of King Robers the first, be done of forefaltour pronounced against Schir Roger Monbray Knicht.

ARRENDARE, ane Spanish word, commonlie used in chartoures and infestments of this Realm, in latin, locare seu rem aliquam viendam. fruendam, non gratis, sederta mercede interveniente concedere. For consorme to the Frenchrent is ane certaine dewtie, as annuell-rent, and arentare and theirfea arrendar, quasi ad certum rentum seu reditum dimittere to set and give, landes or tenements to onic man sor an zeirlie ductic.

ARRERAGIUM, or properlie Arrieragium, an French word, arrier, bakward: in latine retro, as Iamais arrier, used be the Earls of Angus,

arrier, bakward: in latine retro, as lamats arrier, uled be the Earls of Angus, in their armes, to quhom it perteins to lecht the Kingis wantgard, as of auld it did appertain to Makduffe Earl of Fife, as writis Heltor Boetins. Arrieragium firmarum, fignifies the by-run annuel mails. fermes, profites or dewties of onie tenement, or landes, the quhilk reftis upon the famine unpaied. quonium attach.e.fi tenementü. 27, Leg. Burg.e.fi quis voluerit. 156. ASSISA, ane French word, Quhilk fignifies properlie fitting, or Selfion, and hes divers uther fignifications in the Lawes of this Realme, for a fife the same conflictuing ordinance on law. Lib. 2.6. General for the lawes of this Realme,

for affifu is taken for ane constitution, ordinance or law. Lib. 3.c. fequens.
23. quhair it is called recognitio. And lib. 1.c. finon 23. mention is maid of ane effonzie, or excuse, conforme to the Law and affise of the land. And affise is called ane constitution, law or statute. lib.4.c. die lune. 13, as assis affifa is called ane constitution, law or stature. Lib. 4. c. die lana. 13, as affifa regis David Stat. Alex. c. affifa 18. And affifatum signifies statute, or ordaned St. 2. Ro. Br.c. Item ordinatum 26. King David maid an affife, or constitution of him quha was accused in judgement, and clenged, for the death of his wife, affifa Reg. Da. c. si quis velit. 33. assistators is taken for the Law and constitution of the land, Lib. 4. c. si vir. 16. c. sciendum. 64. assistant infringere, is to violat and transgress the Law. And assistant said mess the First of weichts and measures maid at Perth. 11. Mart. and the First zeire of his access to the law. his reigne. Juxta affifam. lib. 2.c. dicitur autem. 74. is conforme to the law, or Juxta legem, is conforme to the time prescrived be the Law, Lib. 3. c. or Justa legem, is conforme to the time prescrived be the Law, Lib. 3.c. fequens. 33. in fin. Item assistance the time prescrived be the Law, Lib. 3.c. fequens. 33. in fin. Item assistance file and conteine the assistance quantity, as the barrel! bind of Salmond stild keepe and conteine the assistance quantity, as the barrel! bind of Salmond stild keepe and conteine the assistance file, and na finaller barrels, of the measure of Hamburgh, after the audie assiste, and na simaller barrels nor vesselles. Ja. 3. 6. August: Parl. 10. c. 76. assistance of herring, quhilk perteinis to the King as an exertaine measure; and quantitie of herring, quhilk perteinis to the King as an epairt of his custumes; and annexed propertie, Ja. 6.p. 15. c. 237. For it is manisest that he suld have of everie Boat, that passists the drave, and slayis herring, an thou-sand herring of ilk tack that halds, viz of the Lambmestak, of the winter tack, and of the Lentrone tack, in December. 1516. The Kings Advocat contrair William Harper, and his Colleges. Item the Kings rents of assistance contrair william Harper, and his Colleges. Item the Kings rents of assistance contrair to comprehe de the Kings Lands and custumis 9. Decemb. 1466. & 11. Mart. 1500. In the action betwix Tames Ogibbie, contrair Patrick Gray, certain oxen was poynded for sundrie unlawes, and for the rent Assistance of the Kings Hienes for the blench ferms of the lands of Airlie. And sik-like the thrid of the Kings rent of the Assistance of the lands of the lands and customes suld perteine to the Queen, as hir downer, Ja. 3... Airlie. And fik-like the thrid of the Kings rent of the Athle, That is to fay, the lands and customes, fuld perteine to the Queen, as hir dowrie, Ja.3. 9.080b.p.1.c.2. In this realine an Affife is called ane certaine number of men lauchfullie fummond, received, fworn and admitted to judge and decerne in fundrie civil causes, sik as perambulations, cognitions, mo-leitations, purpressure, division of lands, serving of brieves, and in all and fundrie criminal causes. For be the law of this Realm, all crimes suld be decided and tryed be an affife, Stat. Alex. c.3. Quhair of their is twa kinds. Ane ordinarlie in ufe, quhilk may be called ane litil affife, of the nummer of Ane ordinarlie in use, quhilk may be called ane litil assise, of the nummer of 13. or 15. persons, lib. 3.c. generalia 25. The uther called ane great assise, quhilk consists of 25. persons, l. 1.c. pana. 16. lib. c. 2. dos. 19. and all the assistors, in baith the ane and the uther assise suid swear ane solemn aith, to judge and decerne richtly. vid. bona past. For the quhilk cause they ar called juratores li. 1.c. pana. 16. and in sum buiks assistant assistant pastia, and in the English lawes an sury. The great assiss (quhilk is not commonly used in this Realme) is chosen against sik persons, as hes bin upon an litil assistant accoused de perjurio vel temerario juramento: and that they have done wrang against the laws in clenging onic trespassor unha is guilty and sowle of the crime. In the quhilk case the man that is clenged, albeit wrangously, cannot be filed againe or punist for he being anis quite, he is wrangoully, cannot be filed againe or punifitfor he being anis quite, he is ever quire for that crime: bot the allifors may be accused of their wrangous deliverance. I. 3. p. 8. c. 20. N. c. 63. The great affife fuld be of 25. per-lons, Nobill and gentilmen. And the Lords of the Seffion, upon the first date of Junij. 1591. declaired all them to be esteemed, halden and repute as Nobil person and gentilmen, that sal happen to be summond upon sik an affise, upon cubait office ther field ross.

Affife her-

affile, quha are landed-men, albeit they be inferior in rank and dignitie to them, upon quhais affile they fuld paffe.

ATTAYNT, Taynt, an word meikle used in the English lawes, Atlayntus, is accused, filed or convict, for ony crime or cause. Stat. 2. Ro. Br. c. Item, 9c. Item dominus 21.c. Item. 24. An Judg being convict, or attaynt of taking of budds, or of partialitie, suld be punished at the Kings wil, and tine his office. Stat. 2. Ro. Br. c. c. dominus rex. 22. Stat. 1. Ro. Br. c. Item quod nullus. 8.1. 5, p. 7.c. 104. Bot attaynt or Taynt, is called the deliverance or probation of 24. (alias 25) leill men, the quhilk may be called an great affise. bib.

ATTACHIAMENTUM, from the French word, attacher, ligare, effett, ane charge or binding of ony person, to the effect he may be drawn

and compelled to compeir in judgement and an wer as law wil. In the proface and beginning of the buik called quoniam attachiamenta, attachiamenta dicitur quoddam vinculum legitimum, per quod pars defendens invita afringitur, ad flandum Juri, orelpondendum parti de se conquerenti juridice. And attachiamens sumtimes is of guds and geare, as in contractes, conventiones, and actions of moveabill gudes, in the quhilk the gudes and geare of the defender are attached, until he find caution and pledges to answer as law will, quhilk being funden, the attachiament is relaxed and low sed. Sumtimes attachiament is of an emans person and body, as in actiones of Sumtimes attachiament is of an emans person and body, as in actiones of wrang, or criminall causes. In the quhilk the person of the transgressours study be first attached, and gis he be disobedient, or sugitive, his gudes and gear, may be attached, untill he find caution to underlie the law. Swa commonly, bot not perpetually, attachiamentum, vel est bonorum, vel car borse. geat, may be attached, until he find caution to underlie the law. Swa com-monly, bot not perpetually, attachiamentum, vel eff bonorum, vel corporis, ficus arrestamentum bonorum, as gif the Crowner can nocht apprehend onie man indited, to attache him personallie to compete in the Justice airetten he suld arrest all his gudes moveable and unmoveable to remaine under fure pledges, And to be surth-cummand to the King, in case he compeir not. l. Malc. Mak. c. 1. And in criminal causes, speciallie in treason the person or bodie of the defender suld be first attached, and put in sure firmance, until he have thosed ane assistance and the sure or toole I are a section. bodie of the defender suld be first attached, and put in sure firmance, until he have tholed ane assistance, quhidder he be quite or foule. I. 2.p. 12.c. 49. And in civill causes the guds and geir, of the defender suld be first arresisted. Li, 4.c. 1. as writes Mattheus de assistance, in consuetudines Siciliae. constit. Humanitate. Nu. 33. Be the civill Law in execution of decreites, first the moveabill gudes perteining to the debtour, suld be first discussed, thereaster his lands and immoveabill gudes may be comprised. Thirdlie the debts auchtand to him, quhilks are called nomina debitorum, may be persewed and discussed, La Divo Pio. 15. Sest. 3. De re Judicat. Quhilk is conforme to the act of Parliament, quhairby it is statute, that the lands perteining to the debtour suld noch be comprised, until his moveabil guds be first searched, socht, and discussed. Ja 3.p. 5.c. 36.

A V E R I A. li. 4.c. si quis sederit. 23. c. quicunque. 31.ass. Reg. Da.e. si quis sederit 41. In the quhilk place it is called melius animal, the bestaucht, from the French, se meilleur auoir. Quhilk be the Law is given be the husband-man to his maister, as ane herczelde, and lib. 4. c. quicunque, 31. as

band man to his maifter, as ane herezelde, and lib. 4. c. quicanque, 31. a-veria is called animal: The quhilk place is de namatione animalium, that

is of poynding of cattell.

AVUNCULUS properly is the mother-brother, bot fumtime conform to the French maner of speach, it is taken for the father-brother, in torm to the French maner of speach, it is taken for the father-brother, in Latin patrius, it. 2.c. if quis liberum 24.c. deficientibus 34. de judic. c. Item nota 15. In quibus locis jus fuccessionis dictur pertinere ad avunculum ejusque liberos quod non est consentaneum juri nostro civili, si avunculus proprie accipiatur pro fratre matris, quia cognatorum, h. e. consanguineorum, ex patre matris apud nos nulla est successio, h.c. cognati non succedunt alis.

B AGIMONT, his taxation of benefices. Ja. 3. p. 6. c. 43. Ja. 4. p. 4. c. 39. The Pape in the time of K. James the third, fend in this Realme and cardinall and legat, called Bagimont, Quha did make an taxation of all the rentalles of the benefices, that the famin micht be knawin to the Pape. To the effect, that quhen onie person came to Rowe seikand bulles or richt to onie benefice fra him, he micht conforme to the said rentall as he pleased, sell the samin for sameikle Silver, or Golde, as he thocht maist profitable. Quhilk taxation is grounded upon the Canon Law, in the Extravagant. Suspensive segminins, lib. 6.

BAIRMAN. Vid. Dyvour.

BALLIVUS, an French word, Baielis, Ane baillie or judge, li. 1. c. 10. c. 31. quha hes ane ordinar power and jurisdiction. Nam ballivous sue judex non potesse effe arbiter. li. 2. c. 4. Ballia, in Latin provincia, ane baillerie or jurisdiction. li. 1. c. 7. c. 18. stat. 2. Rob. Br. c. 4. c. Roberts. 28. Dicitur autem Ballivus à Baall, h. c. domino, quia ballivi dominantur suis subdition,

rie or juridiction. li. 1. C.7. C. 18. stat. 2. Rob. Br. C.4. c. Robertas. 28. Dicitur autem Ballivus à Baall, h. e. domino, quia ballivi dominantur sur sur subditir, quasi earum magistri & domini, Rebustus in constit. regias, de sentent. execut. art. 7. gl. 1. And in the Checker compts, the Baillies of Burrowes are properlie called ballivi. Quha be the Lawes of this Realme, makis compt zeitlie in the Checker, of their burrow mailles, as ane part of the Kingis annexed propertie, and also of their commoun gude, quhilk fuld be imployed in the necessary affaires of the burgh. And likewaies in the checker, compt is maid of the Kingis propertie, be sik as are called Ballivi Regis, and intromettis with his rents: quhais compts are called computa Ballivorum advextra Scil. Extra Burgos: And ar improperlie called Ballivi, being Chalmerlanes in put, and out-put be the Comptroller, for quhom he suld be answerable. Mair-over, in the Checker compt maid per votulos, is quhen the Compter is charged in his compt, conforme to ane former compt, rolled of before: And computum extra rotulos, is quhen the compter is charged in his oneration, be ony precept direct be himselfe, or be ony intromission maid be him of the Kingis rents, before the making of his compt, or with onie dewtie silver, or uther thing perteining to the King extraordinarlie, and not zeirlie, as ane parte of his patrimonie.

BANRENTES, Banerets. Ja. 1. par. 7. c., 101. In the quhilk place, it is manifest, that Ban-rent is ane kinde of estaite, greater and mair honorable then Barrones: For the Barrones are permitted to chuse their Commissioners, to be sent for them to Councell and Parliament, to propone millioners, to be tent for them to Councell and Parliament, to propone all and findrie needes and causes perteining to the commounes, in the Parliament, or generall Councell: Bot the Ban-rentes suld be warned be the Kingis speciall precept, to compeir personallie in the Parliament or Councell: In sik maner, as Bishoppes, Earles, Lords. Abbots, Priores, unsto be summoned. This worde is commonlie used in the English lawes, and in sindrie lawes of urber Countries. Cria, 1.2. de Fend. Times and the state formet. de nova fidel tatu forma. Boerius in decifiones Purdegalenfes, Trattauthoritate magni Confilit. Guido Papa quest. 614. © 326. jus

Normand 1. 5. c. 2. Nu. 7. Zassus de Feud. Tit. qui Feudum dare possunt. Some callis Banrents them quha hes Baner rent, and divided in sundrie partes. Uthers callis them quha hes the rent or zeirlie dewtie of an Barronne. And sik-like, some understandis them quha bearis the Kingis Baner in his hoist and armine: quhilk office and honour, perteins heretablie, and allanerlie, to the Constable of Dundie, the Kings Baner man. But all men when they are belted and maid Earles, are called Barronne Banrent, and Lorde of on. Soveraine Lordis Parliament: Quhairby it is manifest, that the said dignitie is common to manie, and nocht proper to ane man: And theretore seeing Zassus in the place foresaid, writis, that Banrent is ane dignitie concerning weir-sare: I think in my opinion, that Banrents are called Chevaliers of armes, or Knichtes, quha for obteining of great honoures, dignities or riches, hes power, or priviledge granted to them be the King, to raise and lift up an Baner, with an companie of men of weire, either horse-men, or furemen, quhilik is nocht lessum to ony Earl or Barronne, without the Kingis speciall licence, asked and obtained to that effect: As Hentie Passure Advocat. lib. 2. des re serbes de la France. c. 9. Fol. 100. provis be money and sundrie argumentes of the Historic of France. And Doctour Thomas Smith, ane learned man, in his buike, aneat the commonu weill of England. Lib. 1. c. 17.

Sayeth that Knightes, Banrentes, ar maid in the sielde, with the ceremonic of cutting of the poynt of their standerd, and making of it as it were ane Banner, they being before Bachelers, are now of ane greater degree, allowed to display their Armes in ane Banner, in the Kingis hoist and armie.

BANNITUS, Banished for onie crime or uther cause.

BANNITUS, Banished for onje crime or uther cause. Ban BANNITUS, Banished for onie crime or uther cause. Bannum, fignifies ane trumpet, in latin suba, as writis Alciasus. 1. 2, parer, c. 2. ex. Procopio, 1. 4. belli Persici. And be the common use and consuctude of this Realm, quhen onie person is banished, or put to the horne, the same is done with three blasts of an horne, or an trumpet. And for that effect, it is statute and ordained that the Kinges maire, or serjand sall have ane horne and wand. Ja. 1. p.7.c.99. for with the horne he denunces men rebelles, and with the wand, he receives them to the Kingis peace, quhilk therefore is commonlic called the wand of peace. An Bannitus possite im-

therefore is commonne canco the wid. Chessanem in consuetud. Burgand: R. 2. Sell. 1. ver. consistance. Nu. 7. cum seqq.

BARO, Ane Barronne. Zasius de Feud. Tit. qui feudum dare possunt, writes conforme to Cornelius Tacitus, In Libro de Germania;
That Dan, of ane Duke, is the Governour of ane Province, or Armie, Comites, or Earles, are they quha are assessing to the Duke or Prince.

SWA called a comitando, because they accompanie the saidis Dukes,

SWA called a comitando, because they accompanie the saidis Dukes, and never passis out of their presence.

Marchiones, ar Marquesses, Wardaines, or keipers of the Bordoures: For Mark, Marche, in Latine Limes, and Mark-grave in Dutche, is Comes Limitaneus. And all Marchiones dwelling on the Bordoures, or Marches, of the Cuntrie. As in this Realme the Earldome of March, quhilk perteinisto OUR SOVERAINE LORD, As ane part of his annexed propertie. Bot Comes Martialis, or Eatle Martiall, is ane man of dignitic or jurisdiction, a marte, vel bello: Because the jurisdiction of weir-sare perteinis to him. Alciatus libro de singulari certamine.

6.32. Affirmis, that like as the Earle is inferiour to ane Duke, swa ane Barronne is inseriour to ane Earle: And that Baro, cummis fra the Greek Barronne is inferiour to ane Earle: And that Baro, cummis fra the Greek word Barus, gruvis, wise, grave, prudent, and discreit: Bot contrarie wise, Pithœus. Lib. 1. Adversariorum writis, That Baro tignifies an ebaird, fuile, or un-wise man. Quhais opinion, I cannot mulli approve.

Baldus in Cap. Innotuit de electione, definit Baronem, ut sit quisquis merum missumque habet imperium in aliquo castro vel oppido, ex concessione principis. In this Realme he is called an Barronne, quha haldis his landes immediatlie in chiese of the King, and hes power of pit

BARRATRIE, or Barrataria, ane kinde of Simonie, especiallie in obteining the richt of benefices. Socious reg. 55. Baldus in sonfilio 21.

Part. 5. For all men paffand to Rome and buyeand benefices commits simonie, and are called Barratoures. Be quhome Barratrie is committed, and quhat is the paine theirof, it is manifest be the actes of Parliament. It is quhat is the paine theirof, it is manifest be the actes of Parliament. It is ane Italian word, and be the Italiane interpretours of the civill Law, Barrataria, is quhen ane Judge corrupted be buddes (sik as gold and silver) judgis wrangeoussie, Petrus de Raven. singula. 156. and swa doing sellis Justice for meid and profite, and makis his office readie to be boucht be him, quha will give maist theirfore. Angel. de Syndicatu. Nu. 4. For the quhilk crime he may be deprived, and sharpelie punished. Bartol. 1.1. Mavial. 13. Sell. 1-nu. 2. de. annu. legat. And likewaies Barrattours in the Laws of England, suld nocht be suffered to make sute, or to give judgementes or propunce sentence or domes. anno 3. Edward 1. C. 32.

pronunce fentence or domes, anno 3. Edward 1. c. 32.

BASTAR DUS, in French Baflard, an barne unlauchfullie gotten outwith the band of Marriage. Quhilk word is barbarous, and (as I suppone) na reasone can be given quhairfore it is so called. Bot Gabriel Paleous, in his buik de nothis, spuris que filis. c. 18. alleagis it to cum fra Baflaris; quhilk signifies ane huire, or common woman: Be reason that bastlands are commonlie gotten and progress with the weemen in Greeke. bastards are commonlie gotten and procreat with sik weemen, in Greeke he is called nothur, for ta nothal signifies that part of the fathers gudes & geare, quhilk be the law of the Athenians leasumlie micht be given be the geare, quhilk be the law of the Athenians reasonable drachma, and Father to his bastard sonne, extending to the summe of mille drachma, and onwas called all that was not trew or lauchfull, as writes dans in Pandettas. And swa Nothos cums fra noo, privativa particula, otheion, h.e. divinum, teste Suida. Because he wantis that quhilk is godlie and

on, n.c. aronum, teste surat. Because he wants that qunit is goone and lauchfull, that is ane honest and lauchfull birth, or parentage. And swa nothos dicitur qui non sit legitimus, to the quhilk their is na proper Latine word correspondent, as Quintilianus testifies lib. 3. c.6. Nevertheles, he is commonly called Spurius, for in. l. 1. st. de posses contr. tabul. Spurii di-

cuntur para ten sporan, h. c. slatione, vel seminatione, eaque vaga, o pro-miscua, ubi doctiores sporaden legunt, quasi sparsim concepti, like as they are called vulgo concepti. l. in. adoptivis. 14. de vitu nuptiarum. Likewise Spurius was the proper name of ane man amongis the Romaines, as Titus, or Cains, and was written with two letters Sp. and likewaies they quha had na certaine Father, was defigned with the faids twa letters, S. and P. And fwa be common use and consuerude, Sparii dicebantur sine patre, as writes Plutarchus in problematibus, because their Father and mother nocht being lauchtullie maried, they have na certaine Father: quia pater dicitur quem legitima miptia demonstrant. 1. 5. ff. de in jus vocand: And it is alike to have na Father, and to have incertaine Father, as we say, he quha will have mona Father, and to have incertaine Father, as we fay, he quha will have mo-nie Gods, hes na God. Postremo Blandus lib. 8. Roma triumphantis, is (in-quit) qui illegitime natus estet ex coucubina vel scorto, consumelia causa, spurius dicitur, eo quod Sabini, muliebre pudendum sporon appellarunt: hac ille Inhonesto originis genere in lucem editos, infami o inhonesta appella-tions notare valuerum nestere. ille Inhonesto originis genere in lucem editos, infami & inhonesta appellatione notare voluerumi veteres. And that part of weemens claiths, sik as of their gown, or petticot, quhilk under the belt, and before, isopen, commonlie is called, the spare. As concerning the succession of bastards, thir schort rules are to be observed, conform to the Law, and practicque of this Realm. First na bastard, nor na persone, noch processes. thir schort rules are to be observed, consorm to the Law, and practicque for allivate performs to the law, and practicque for allivate performs to the law, and practicque for allivate performs to the law of an arrivage, may onic waies be lauchfull aire and success four to onic of our Soveraine Lordis lieges. lib. 2. c. in susted is 50. for non participate the law of God Ismaell being bastard, gotten upon an ebound woman agar, micht not be aire to Abrabam, with Isaak. Genes. 21. 10. Because all richt of succession is be reason of bluid, and consanguinitie of the Father side, quhilk is called jus aguations, and their an ebastard, quhais Father is incertaine, be the law is understand, be reason of bluid to be sibt on an man, and nane to him, or ubi nullus est paser levisium.

quhais Father is incertaine, be the law is understand, be reason of bluid to be sib to na man, and nane to him, o ubi nullus est pater legitimus, ibi nulla est agnatio aut successor agnationis.

Secondie the bairnes mail, or semale, lauchfullie gotten be ane bas-Legitimi tard, with an elauchfull maried wife, succeids to him as righteous and seri, insilauchfull aires, in his Lands, gudes and geare, in the samin manner, as cedani, gif their father had been gotten and borne in lauchfull band of mariage, quia filius est bares legitimus, quem nuptia demonstrant, lib.2.c. in custo-line so.

Thirdlie gif the lauchfull bairne maill or femaill of ane baftard, Fifes: fice-fucceides to him, and thereafter deceasis without lauchfull aires gotten dis files to fine awin bodie, or without lauchfull brother or fifter: and lauch-full testament and latter will maid be him, all and hail his lands, guds and geare, nocht being disponed and analied behim in his lifetime, aucht and suld perteine to the King, be the priviledge and richt of his Crown: Because, as said is, there is na richt of succession in this Realme, hathe Mother side, and the sonne or dauchter of the bastard deceasand as Crown: Becaule, as faid is, there is na richt of succession in this Realme, be the Mother side, and the sonne or dauchter of the bastard deceasand as faid is, hes na persone sib to him be his Father side: And swa all richt of succession ceasand baith upon the Mother and Father side; sam ratione cognationis, quam agnationis, the King be reason of his Crown, is universall succession to him in his lands, guds and geare, as ultimus hares.

Fourthly, an bastard being legitimat, or not legitimat, may in his lige pouguant shy and induring his lifetime, annalic and dispone his landes, gudes and geare moveable, and unmoveable, to quhom he pleasis, in the samine notice and manner as onic person gotten in lauchfull bed may do be the Law.

Fiftlie, all gudes moveable and unmoveable of ane person borne bas. Fifen forme tard and deceasand bastard, without lauchfull aires gotten of his bodie, and dis bastard, na disposition theirof maid in his time, perteinis as escheite to the King, be reason of the richt of his Crown. lib. 2. c. queri autem. 51. leg. forest,

be reason of the richt of his Crown. lib. 2. c. quart autem. 51. leg. forest, c. sibastardus. 50. de judic. c. sibastardus. 54.

Sextlie, Ane bastard being naturalized or legisimat be the King under the great seal, be the practicque now used and observed, hes allanerlie situatus power to make testament, dispone his moveable gudes and geare, and nominate executors, conforme to the Law of this Realme: be the quhilk Law, na man lauchfullie, or unlauchfullie gotten or borne, may be after the situatus pomake onie disposition in his testament, bot of his moveable gudes allaner situatus por lic. For na man upon his death-bed, or in his latter-will, without conficution his aire, may dispone ony part of his heretage. Lib. 2. cap. Posest 21. cap. Cum quis. 36.

21. cap. Cum quie. 36.

Seventhlie, gif ane baftard legitimat and rehabled in his life-time, makis ane teftament lauchfullie: The King thereby is excluded fra all richt and intromission with his moveable gudes: Bot gif he makes ane teftament, quhilk is null and unlawfull: Or gif he makis na teftament: Testament in The King be reason of baftardrie, succeedits to him in all his moveables, illegima for and unmovembles. For in this case, the asset of the last of and unmoveables. For in this cafe, the effect and power of the legiti-mation ceasis, and hes na operation.

Anchtlie, quhen ane Bastard deceasis without ony lauchfull testament For in this case, the effect and power of the legiti-

maid be him, or not havand aires lauchfullie gotten of his bodie: The Bona mobilia King, be his Thefaurer, or ony uther havand gift and power fra him, may intromet with all the moveable gudes quhatfurnever, perteining to the Baftard, the time of his deceafe, and not disponed be him in his lifetime, as escheti perteining to his Hienesse, be reason of his crown and Kinglis power.

Kinglie power.

Ninthlie, Sick-like all landes and tenements pertaining to the faid Baftard, the time of his decease, and halden immediatile of our Soveraine bitta D.N.

Lord in chiefe, after his decease perteins to the King, and the propertie to the Baftard, and be reason of escheit of Bastard.

Ferminer.

thereof, be decease of the Bastard, and be reason of escheit of Bastard-ferantar.

rie, belangand to the Crown, is consolidat with the superiority in the
Kingis person; in sik forme and maner, as gifthe Bastard in his life-time,
had maid resignation thereof, in the Kingis handes.

Tenthlie, Concerning landes and heretage, perteining to ane Bastard, immubilibus
not halden of the King, bot of ane uther superiour, Spiritual, or Temporal;
Rex habit in
the King hes richt of presentation: Be the quhilk, after the decease of the prassonation
Bastard, he may present ony person quhom he pleases, as heretable

De fnèceffi

Spuring.

enneut to the Bastardes immediat superiour, be his letter, under the quarter scale, bearand: That for-sa-merkle, as N. borne Bastard, and deceascand Bastard, without ony aires, lauchfullic gotten of his bodie, and na lauchful disposition maid be him in his life-time, had the landes called B. perteining to him, in heritage, halden immediathe of the said superiour: And his Hienesse being willing not to prejudge the superiour, anent his superioritie: Therefore presentists to him, sik ane man, charging the superiour to receive him, and give him sik intestment of the landes, as the umquhile Bastard had of him of before.

BERTHINSEK, Or Birdinsek. Be the Law of Birdinsek, na man suld die, or be hanged sorthe thiest of ane scheepe, ane veale: Or for sa-meikle meate as he may beare upon his back in ane seck: Bot all sik thieves, suld pay ane scheepe, or ane cow, to him in quhais lande hee be taken: And mair-over, suld be seurged. Lib. 4. c. De Yburpanan seca. 14. quoniam attach. c. per constitutionem. 44. Ass. Reg. Da. c. 1. In fine. Stat. Al-

staken: Ano mait-over, tuid be leurged. Lib. 4. c. De Y burpanan feca. 14. quoniam attach. c. per constitutionem. 44. Aß. Reg. Da.c. 1. In sine. Stat. Alex. e. de Bershinsek. 19. Quhilk is conforme to the Civil, and Cannon law. Namomus adsithe & malestica assimantur voluntate. & proposito delinquentis. L. qui injuria. 53. In prin. st. despritis: L. 1. st. de Var, & extr. Crim. Idnoque si quis necossitate samis sedanda, egestate, aut paupertate coastus, rem alsenam contrectes, quia non adest animus surandi cupidus, excusari potest. e. se quis. Extr. de Part. non enim satum, sed causa saciendi inspicitur. l. Vermum. 39 st. de surti. Et vuglo dici soler, necessitatem non habere legem. L. Non solum & Vit, de excusationib. Tutor. b. Tutor.

BLUDUEIT, UYTE In English is called Injuria, vel misericordia. Ane un-law for wrang or injurie, fik as bloud: For they quha ar infeft with Bludueit, hes free libertie to take up all valawes or amerciamentes of Court, for effusion of bloud: And to hald Courtes thereupon,

mentes of Court, for effusion of bloud: And to hald Courtes thereupon, and to apply the samin to their awin utilitie and profite.

BONA PATRIA, Lib. 1. c. siverd. 29. Ane assis of cuntrie-men, or of good nichtboures: Some-times it is called Assis bone patrie, quhen twelve, or maa men ar chosen surtries it is called Assis bone patrie, quhen twelve, or maa men ar chosen surtries, because they suld sweare judiciallie; in presence of the partie, ane solemne aith. Lib. 1. c. Post boc. 14. lam 1. P. 13.c 13 8: In this manner following. We sall leill suith say, and na suith conceale, for na-thing be may, sa far as we are charged upon this Assis, be God himself, and be our part of Paradise, and as we will answere to God upon the dreadfull day of judgement.

BONDAGIUM, or Villengium, slaverie, or servitude: For bondi, matrix, and Villani, signifies ane thing. Lib. 2.c. Consequenter 13. cum seq. Bondi, be reason of their band and obligation, as bound and oblished men. Nativi, be reason of their nativitie and birth, as borne men within the land, Quass asserting slebe. That is depute, destinate. or ordained be

men. Natros, be realon of their nativitie and birth, as borne men within the land, Quafi afcripting gleba, That is depute, deftinate, or ordained be their mafter, to dwel and remaine upon the land, for keiping and labouring thereof. Lib. 2.e. Pluribus 14 And therefore utherwales ar called Fillani, be reason of their offices in a function. lani, be reason of their office; in a far as they have the cure of Villages, and landwart husbandrie committed to them. Bondagiam per anteriores crines capitis, quoniam attach. e. de brevibus. 31. 15. quhen ony free man, renuncis his libertie, and makis himselfe ane bond, or slave to ane greate man in his Courte, and makis tradition, & delivering of him-felfe, be gi-ving ane grip of the haire of his forchead: to the effect he may be main-teined and defended be him thereafter. The Quhilk bond-men, gif they teined and defended be him thereafter. The Quhilk bond-men, gifthey reclaime to their libertie, or happen to be fugitive fra their maister, may be drawen back againe be the Nose, to servitude: Fra the quhilk the Scottis staying cummis, quhen ane boastis and menacisto tak ane wher be the Nose. And it is leasum to ony man to sell his Ilbertie; bot gif hee dois, he may never recover the samin. Asif. Reg. Da. c. Quilibet 12. quoniam attach. c. quilibet, 36. To this the Civil Law is conforme. Nam his qui ad precium particidandum se vanundari pasi sunt, ad libertasem proclamare non licet. L. 1. st. quib. ad lib. Petrus Pithaus. li. 1. Adversariorum, makis mention of ane kind of adoption. per comam svecapillos, quhen ony person tuike ane grip of ane uther mannis haire, and did cut it: Quhairby the ane, became the Father adoptive, and the uther, the Sonne adoptive.

tive.

BORCH, ane Cautioner, pledge, or fovertie, Iam. 3Par. 14.c. 99. In Latine, Fide-jufor. vide Free Borgh. vid. Plejiss. Borgh of Ham-hald. de Maritag. a. Sciendam. 17. Ane Caution or fovertie used in byeing and selling, quhilk the seller findis to the byer, to make the gudes furth-cummand, as his awin proper gudes, and to warrand the samin to him. For it is Statute, that na man sall bye ony geare, except the seller thereof finde him ane lauchfull pledge: quhilk is called Borgh of Ham-halde. And gift sall happen the gudes sauld and bocht, to be challenged bee ane uther, and the saide pledge cannot finde him, for quhome he is pledge, to relieve him of the said challenge: He sall pay to the Challenger, the triple of the thirty challenged: And aucht Kye to the King, as aneun-law. And gif be quha saunde the said pledge, relievis him not from the said damnage, he sailbe banished the realme. Lib. 1.c. Statute etiam 19. St. Alex. c. Statute etiam 13. For generally the Cautioner hes gud action, contrair the prinhe fallbe banished the realme. Lib. 1. c. Statuit etiam 19. St. Alex. c. Statuit etiam 13. For generally the Cautioner hes gud action, contrair the principall, for his reliek. Lib. 3. ca. 1, In fine. And fiklike within Burgh, the like caution suld be found in byeing & selling of all merchandice, except meate and drinke, and wher thinges of small consequence. Leg. Forest. c. Nullus. 48. Et de jure civili venditor per evistionis prastationem, cogitur servare emptorem indemnem, codem modo ac si domimium nastus essentiales. N. in prin. st. de actionibus emp. vid. Hamhaldare. vid. Hamsuken. Mairower, off ony man becumpis and hund, cummand borgh for an author. ver, gif ony man becummis ane turth-cummand borgh for ane uther, to make him furth cummand as ane haill man, it is sufficient, gif he produce make him furth cummand as ane haill man, it is fufficient, gif he produce him perfonallie, hail & founde before the judge, in lauchfull time & place. Bot gif he be pledge for ane uther, that he falbe answerable as law will, he man satisfie for him in court, and to the partie, to quhom he is pledge in all thinges, as the principall suld have done. Queniam attach c. vbi disquis 11.

BOTHNA, Bathna, Bothena, L. 4.c. Si quis namos. 30. appearis to be

ane Parke, quhair cattel ar fed and inclufed, vi in Libro M. Alexandri ane Parke, quhair cattei ar ted and inclusted, vi in Libro M. Alexandra Skene, frairis mei germani, quondam is supremo Senatu Advocasi. Quhlk is confirmed be Heltor Boesius. 1.7. c. 123. Na. 35. Cum servici maritimam Thefalia partem à vedigali, quod Regiis protunatoribus ab incolis in amos pendi solisum eras, cum gregum multitudine abundayens. Buthqubaniam appellată, est enim, qubain, ide quod vedigal, prisca Scotorum linguazei Futh, oviă collectro: hec ille. And it is manifest, that the place in the quhilk the zowes ar inclosed quhen they ar milked, is commonlie called an Bucht. Sicklike ar inclosed quhen they ar milked, is commonlie called an Bucht. Sicklike

Anlus Gellius I. 11. c. 1, writts that Italy is so called a Bubus, because Isa-11. Anlus Gellius I. 11.c. 1, writts that Italy is so called a Babus, because Isaloi in the auld Greek language, signifies Oxen, of the qahilk there was
great aboundance and multitude in Italy, quhilk is confirmed be Paulus
Vanefridus lib. 2.c. 24. Italia (inquis) ab Italo, Siculorum duce, qui eam antiquitus imoasis special ciciur, quia magni in ea boves, b.e. Italia habentur, ab eo namque quod est Italus, per diminusione, una litera addita, altera
immutata, virulus appellatur. Item Bothena. Stat. Wilb.e. 11. Significs ane Barronnie, Lordship, or Schiressidome, as is manifest, B. Libro Sconens. Ca 99.

Assis David: Est Dominus Bothena, is the lord of the Barronie, land,
or ground: Leg. Port. Ca. L. in Libro M. Willielmi Skene, fratris mei, Commistarii Sansti-Andrea. Pag. 149. c. 79. Item, It is statute and ordained, that the or ground: Leg. vor. ca. 11 Lev. 79. 11em, It is flature and ordained, that the Kingis Mute, that is, the Kingis Court or ilk Bothene, that is, of ilk Schireffedome, salbe halden within source daies. Aff. Reg. Da. ca.6. in Libr.

quondam M. Roberti Carbraith. L.C. Dolli filmi.

BOTE, Ancauld Saxon worde, fignifies, Compensation, or Satisfaction: As man-bote, their-bote; And in all excambion, or coffing of faction: As man-bote theire-bote; And in all excambion, or coffing of landes or geare moveable: The ane part that gettis the better, givis ane Bote, or compensation to the uther. Quhair of there is ane example in § Si familia, institute of offic. Indic. or id § quadam actiones. Institute de actionibus. Man-boate. Ane man-bote is affirment for the flauchter of ane man. Kin-bote, for Kin-boate, the flauchter of ane Kinf man. Thieft-bote, is quhen ony man agries with Thieft-boate ane thiefe, & puttis him fra the Law. I. 5. 12. Inst. Part. 6. 2. Or quhen ony fellisane thiefe or finis with him, for thieft-dome done, or to be done.

fellis ane thiefe or finis with him, for thieft-dome done, or to bee done.

14.1. Par. 13.6.137.

BOVATA TERRÆ, ane oxen-gate of land. Li.4.c. Si quis federit. 23. Quhilk in fum buikes, is wrangeouflie written, Davasa terra. The Lordes of the Seffion be their decreete. 18. Julij. 1541. Effeemed and modified ane Oxen-gate of land, to twentie fhillings in all dewries zeirly. Bot in this I finde na certaine rule; For forme land is mair fettill, and uther mair barren: Alwaies, ane Oxen-gate of land, fuld conteine threttene acker: And four Oxen-gate, extendis to ane pound land of auld extent, conforme to the decreetes given be the Lordes of the Checker.

11. Mar. 1385. Patrik Mony-penny of Pilrig, and uthers, contrair Adam Bissop of Orknay. And at the instance of John Criethvoune of Brunssoun, contrair John Fenson.

BREVE, And commoun worde in the Lawes and practicque of this Realme: And afforn the Civil Law, Lib. 1.C. Die exactoris. Tribus. Li. 10. log. als. c. de voncentant fifci. Debitorish. Lib. 10. Qubair, in the Glosse, it is called Schadaia, and etchort compendious write: Like as all brieves ar conceived in few words, and ar alswa called Brevicula. And in Rubr. C. de sentent. experiento rectraind. Alcianus Lib. 1. Dispunct. cap. 21. Et Jacobus Cuiacius, Antonio Coniio repagnante, Legunt ex Brevicula, id est, ex scripto breviori fornula concepto. Because the sentences and decreetes of Ordinar judges, suld be red and pronounced in writ. Breve testatum, is ane writ or instrument, subscrived be ane publick Notar: Or be twa witnesses, quha ar called, pares curvis, vel curia. b. c. Convassalli: Quha baith halds their land of ane superiour. Cuiacius Lib. 1. Or Lib. 2. Tit. 2. De feud. in the auld Lawes of this realme, diverse and sindrie Brieves hes bene used and wonte, quhairof mention is maid Quon. attach. c. de brevibus 31. And in sindrie quhairof mention is maid Quon. attach.c. de brevibus 31. And in findrie in use urher places. Bot feven formes of Brieves allanerlie, are nowe commonlie used. The first, the Brieve of Mortancestrie. The seconde, the Brieve of the content of the co Brieve of tutorie. The third the brieve of Idiotry. Inc rounts and tene-of Teree. The fifth the brieve of line, or lineation of landes, and tene-mentes within Burgh. The fext the brieve of division. The feventh, of Teree. The number of the fext the brieve of divition. The revenue, the brieve of perambulation. Quhair of the three first brieves are answered, and retoured against to the Chancellarie. And the uther foure receivis na retoured answer. The cause of the diversitie depends upon the Because the three first brieves in the end of ilk ane of them conteins an command to the judge, to quhome they are direct, to send back againe his answere to ilke point of the brieve. And the remnant source brieves hes na sik command;

And theirfore requiris na answer.

BREVE de divisis fatiendis, Is the brieve or summonds of cognition, anent the or molestation agent the propertie and commontie of Landes, agent the bounds, meithes and marches theirof, betuixt Neighbour, and Neigh-bour. Quhilk be the new act of Parliament, fuld be decided be an easile. before the Schireffe, and his deputes. Ja. 6. p. 11. c. 42. It maie be like-waies called the brieve of division, or of perambulation, or onie uther

concerning the marches of landes, lib. 2. c. dicitur. 74.

BREVE de nova diffafina, quo. attach. c. de brevibus. 31. Is the brieve or fummondes of ejection, or fpuilzie. For diffafitor, is he quha ejectis or summondes of ejection, or spuilzie. For distastion, is he quha ejectis onie man surth of the possession of his landis, without ordour of the law, as writis John Rastel. verb. distastion. And nova distastion, lignifies alswalfeusie, maisterful wrangous, or violent spoliatio Ecaway taking of moveable guds and gear. 22. March. 1 547. William Lindsay contrair Alex. Chene. Molinaus in stilo curia parliamenti. part. 1.c. 10.c. 18. assumenti has nona distastion in the civil law, is called interdistum unde vi. And coprehends also interdistum uni possibletis. And in the Law of Normandy, li. 8. c. 3. it is called interdistum recuperanda possession, vid. dissassion BREVES pleadable, breve placitabile, are all sik brieves, quhilkis are persewed and defended be an erdinar forme of proces before ane competent.

Bondi, Natroi.

petent judge, at the instance of ane persewer against ane desender. For it is Statute, that na man sall be ejected furth of his land or tenemente, quhairin he alledgis him to be vest and saised, bot be an brieve pleadable or sum uther brieve accordand theirto, & that the said person be lawfully summound, to answer upon his heritage, at ane certaine day & place. Stat. 2. Rob. Br. C. Item. 25. quhilk is conforme to the acts of Parli. Ia. 3. P. 8. c. 41.

BREVE de resto, the brieve of richt was used before the Justice generally in design of the same with the same activities.

3

The Tudge.

furnmound, to andwer upon his heritage, at ane certaine day & place. Stat.

2. Rob. Br. C. Item. 25. quhilk is conforme to the acts of Parli. Ia. 3. P. &. C. 41.

B. R. E. V. E. de reilo, the brieve of richt was used before the Justice generall and his deputes in decision of the ground, richt and propertie of lands, and reduction of infestments, the quivilk forme of process is declared at length, in the first buike of Regiam Majestatem, and in quo. attache. de brevibus. 13. and be the Lords of councell and session is decerned nocht to have bene, nor zit to be thir mony zeires in use, and theirsfore they find themselfe, conform to the institution of the Colledge of Justice, and jurisdictiongranted to them, to be judges competent in all causes of heretage, v. lt. Februar. 1542, Patrick Weemes contrair Forbes of Reres.

B. R. E. V. E. de morte antecessories, the brieve of Mortancessories e. Natura. 158. Or breve inquisitionis. Stat. Rob. 3.c. 1. Or the brieve of inquest. 1. 4. p. 6. 9.4 Albeit all brieves are inquisitions, because they are determinate per inquisionem patria, de indicib. c. cum quis. 152, or the brieve of recognition, breve recognitionis Stat. 2. Rob. Br. c. Item. quia. 23. It is the maist necessary for the sealme, quhairby ane desiris, to be served and retoured, as narvest and lauchfull aire to his sather or uther predicessor. This brieve is ravest and lauchfull aire to his sather or uther predicessor. This brieve is ravest and lauchfull aire to his sather or uther predicesor. This brieve is ravest in the same prediction in the same period and retoured, as narvest and lauchfull aire to his sather or uther predicessor. This brieve is ravest of this cape.

God surth of the Chancellarie and persewed be ane appeirand aire of perfite age, for recovering of his landes, surth of his superiours handes: togisder with all the profittes and commodities theirol. leg. forest c. e. s. s. d. e. s. s. c. e. s. s. c. e. s. s. s. c. e. s. s.

cat time of daie, before twa wincifes at the leaft, to the effect that the knawledge their of may cum to the audience of all parties, havand or pretendand entres their intill, and their after the brieve fuld be lauchfullie execute and indorfate, be the officiar, executor their of, and framped with his feale of fignet before the famin be prefented in judgement. Stat. Rob.3.c.1.1.1.9.9.c.127.1.4.9.6.94.1.6.911.6.60. In registro 16. No. 1.337. It is necessar and also lesum to the Schireffe, or onic uther sudge of this brieve, to summond certaine persons maiss worthy within his jurisdiction to passe upon the assist, and that upon the space of fifteene daies, or zit gif he pleasis upon ane schorter time, and gif they be prefent in the tolbuith un-summoned, it is leasum to the Judge to compell them to passe upon the said inquest 1.4.4.9.6.9.4. And all six persones summoned and nocht compeirand, ar charged at the barre and dissobeyand, suld bee decerned in ane unlaw and amerciament of court; The brieve beand

nocht compeirane, ar chargeu at the barre and eninocyano, fina oec decerned in ane unlaw and amerciament of court; The brieve beand lauchfullie proclaimed, and the perfons of inqueift like-waies (ummoned, and the daie of compeirance being cum: the perfewer exhibitis and presents the brieve dewlie execute and indorsate, in judgement to the Judge, and desiris him to cause the samin berned, and put to the knawledge of ane affife: Thereafter the officiar; executour of the faid brieve, be his great aith, fall sweare judiciallie, that he did execute the samin brieve, conforme to the indorfation thereof in all poyntes, and the wit-neffes infert there-in-till, fall also make faith, that they heard, saw, and by-ftude, quhen the said officiar did execute and proclaime the Brieve, in sik , as is contained in the indorfation thereof: The brieve and indormanner, as is contained in the indortation thereof: I he brieve and indortation being fwa verified, gif ony person havand entresse, compeiris to defend and object against the brieve, he sulde have inspection thereof, gif he desiris the samin: And gif he proponis ony relevant exception, declinatour, dilatour, or peremptour: Hee thereby castis and annullis the

Brieve, either until ane new brieve be raifed againe, or fimpliciter in all times cumming: utherwaies, gif he hes na reasonable exception or defence to stop the brieve; the samin sall passe to the knawledge of ane assis. Quoniani attach.c. de brevibus. 13.

THEN Certaine lauchfull menne maiste worthie, and quha

beste knawis the veritie, to the number of Thretteene, or sitteene, at chosen in judgemente, in presence of the persewer, and desender: Or in presence of the persewer, and in absence of the desender, knawin to have enteresse, and being lauchsulie summoned, and nocht compeirand, to the said election, to object against sa mony persones, as he may leasumise stop be the law, to passe upon the assiste. For likeas it is necessar, that he be anis summoned: Swa gis he compeires nocht, being lauchsulie summoned, the brieve suld receive processe, and passe to the knawledge of ane inquest, at the desire of the persewer, in absence of the desender. Lib. 3.c. Generalia. 35.48.Reg. Da.c. sciendum est. 44.lib.4.c. Si petens. 57. Quhilkis persones, na lauchsul objection maid against them, suld be received, sworne, and admitted and therefore ar called Suratores vid. Bona Patria. And gist they, or onic ane of them be sworne and received, the judge may continue the brieve to ane uther daye, gist he pleasis, and as necessitie requiris: utherwaies the continuation thereof, is nocht leasum, without the beste knawis the veritie, to the number of Thretteene

consent of the partie, after the claime is given in; And inquisition ta ken in the caufe, gif the persones of inquest, being weill counfelled, and advifed, deliveris and servis Negative, in favoures of the defender, and findes the persewer na waies nearest and lauchfull aire to him quha died last Veste, and saised in the Landes acclaimed: In that case the desender dois bruik and joyis the possession of the saise lands, and the persewer is debarred and secluded therefore. Bot gif the affise delivers and persewer is debarred and secluded therefia. Bot gif the assis deliveris and service as said is, or affirmative, in savours of the persewer against the desender, conforme to the claime in all poyntes: This their answere to all and sundrie the pointes of the brieve, sealed with all their seales, or of the maisst part of them, togisder with the seale of the Schireste, or uther judge closed, and the brieve inclosed therein (to the effect the same may be conferred with the answer) is sent back and retoured to the chancellarie, conforme to the Kingis command, conteined in the end of the brieve. Stat. Ro. 3. c. 1. Quhilk therefore is called ane retoure. And it is to wit, that there is two kindes of retoures, or answeres maid be the person of inquest, to this brieve, and retoured to the Chancellaries. The ane is generall and the uther speciall: The generall is, quhair malandes or teaments at speciallic acclaimed or south the persewer of the brieve. Stat. State of the second of such the the persewer of the brieve. South of the second of such the the persewer of the brieve. South of the second of such the the persewer of the brieve. South of the second of such the the persewer of the brieve. South of the second of such the the persewer of the brieve. South of the second of the se

claime, ane generall retour is maid be vertue quhair of the faid generall claime, ane generall retour is maid be vertue quhair of the faid generall aire, hes gude richt and title to all contractes, obligationes, and reverfiones, and to the moveable aire-schip guds, quhilkis perteined to his predecessor, and were not discharged, or disponed before his decease, in his liege poutite: And sik-like, he may persew, and desend quhatsume-ever action competent to him, be decease of his saide predecessor, to quhom he is served air generall. 8. March. 1540. Is mes. Stost, contraine Blair: The speciall answere and retour is, such an the persewer Speciall recompetent to him, be decease of his saide predecessor, contrained to the brieve, claimis speciall lander, and the persones of inquest givis sour. and particular and speciall answer to like special poynt of the brieve. I. 16.4.

1. static Dominus 45. The quhilk is direct and send to the directour of the Chancellarie, to be tryed be him, gifthe samin be conforme to the direction and ordour of the brieve in all poyntes. Here is to be understand, that the landes conteined in the retour, at halden immediatile of our Soveraine Lord the King, or of ony uther superiour. Gifthe lands our Soveraine Lord the King, or of ony uther superiour. Gif the lands be halden of the King in chief, the directour of the Chancellarie, combe halden of the King in chief, the directour of the Chancellarie, commandis his Clerkes to direct ane precept, under the reftimentall of the great feale, called the quarter feale, in quhite Walx, to the Schireffe of the Schire, quhair-in the landes lyis: commanding him to give failing to the person retoured, or his Actournay, of the landes conteined in the retour: And to take securitie of the mailles and dewies of the landes, sa lang as they ar retoured, to have bene in the handes of the King, or his Predecessouries, be reason of warde, or none-entereste, quhairof ane memoriall is made in ane buike called, Responde, vid. Responde, Gisthe lands retoured be halden of ane uther immediate superiour then the King: The directour of the Chancellarie, directis ane precept, chargeing the superiour, to give failing to the person retoured, of all and sindric the landes conteined in the retour: He doand to him therefore all quhilk he is obished to do be the Law: Quhilk precept, gifthe superiour dissourced in the retour. landes conteined in the retour: He doand to him therefore an quait ne is obified to do be the Law: Quhilk precept, gifthe superiour distobeyis, beand required personallie, or at his dwelling place, to obey the samin: And for verifying thereof, ane authentick inframent reported to the Chancellarie: Then the second precept, called Meminimus, presquisidirect to the side superiour, bearand in effect, that the King remembered that of before he case command in the registral sidings could be seen that the state of before he case command to him to give saissing a could be seen. is direct to the faide superiour, bearand in effect, that the King remembrand, that of before he gave command to him to give failing; quhilk command as zit is nocht obeyed, quhairofhe mervailis: And therefore zit, as of before, chargis and commandis the said superiour, to give faising to the person retoured, of the landes conteined in the retoure. And gif ane uther authentick instrument be reported to the chancellary for verification of the superiouris disobedience the second time; The third precept, called Furche, is direct, commanding him to give the said saising, or utherwaies gifhe disobey, the king certifies him, that he will direct his uther precept to his schireste to give the samin. In the execution of all thir three precepts, it is not necessare, that the superiour sail ecution of al thir three precepts, it is not necessare, that the superiour sall be personally apprehended. But it is sufficient gif he be sa charged in the The four execution of any ane of them. The third precept and charge being like-precept of the wayes disobelied, and the samin disobedience lawfully verified, as said is: sehref. precept is direct furth of the chancellarie, to the schireff and his deputes of the schire within the quhilk the landes retoured lyes. Makand mention, that the King hes given command be his uther letters, to N. Barron and his deputes, that he without delay fuld give faifing to the person re-toured, or his attornay of the landes conteined in the retour, quhilk gif he dois not, he commands and chargis the schirest, to give faifing of the saids lands with the pertinents without delay, saifand ilk mans richt. Quhilk precept being obeyed be the schirest, and saising given conform theirto: the superiour who was three times charged of before and resused, be rea-fon of his disobedience, typis and soresaults the superiority of the lands suphaired he resused to a six a said or said to the superiority of the lands quhairof he refused to give saising induring his lyfe-time. Quhilk superioritie sall pertein to his immediat superiour, quhidder that be the King or ony uther. And after his deceas, his aire being served and retoured to the superioritie of the samin lands, recoveris the said superioritie quhilk his father did tine throw his disobedience. And sa be the law and prachis tather did tine throw his disobedience. And so be the law and practicique of this realme, ane superiour may type and foresault his superioritie, and being oritie. First, quhen he is entered and saised in the superioritie, and being of tinsels to receave his vasses, so the Chancellarie, results to receave his vasses, superiorities to receave his vasses, superiorities to original to the property. In the qubilk case be reason of his contempt and disobedience of the Kings precepts and command, he typis the superiority, induring his lysetime, without any declaratour, or decreit of ane judge. Secondly, quhen the superiorities not entred nor saised in the superioritie, and is charged be the Lords letters raised be his vassall, to enter within source days thereto, to the effect he

line.

affife is

my enter to the proposie. The qu'hilk fourty daies being by-past, at the instance of the vassal, he may be decerned be decreit of the Lords of the Session, to have type is superiority, and to satisfie the partie grieved. Is, 3. Processor And in bath the caises foresaid, the vassal, or tennent, salbe entred and hald of the king, or the other immediate over-lord, to him quha contemporandly disobyed. Last of all, concerning the giving of satisfies conforme to brieves sived and retoured before the judges, commissioners the forme and orthough the Chancellary above written, full be keeped and observed and extended the haldes retoured he halden immediate of the and observed, and g'the landes retoured be halden immediatly of the King: the precept of airing suld be direct to the Schireff and his deputes, For the Lords auditos of the Checker statute and ordained, 8. Aug. 1528. that in time committie, the clerke of the Chancellarie, upon the brieve fer-wed be an committie, fall direct the precept of failing, to the principal fchireff of the fchire, and make the responsion upon the schireffs head, notwithstanding the sid commission, quhilk is ordained allanerly to have effect, anent the service of the brieve, and not anent the giving of the sai-sing. And true it is, the all saisings past upon precepts of the chancellary, said be given be the saireff clerk or his deputes, for the quhilk the schi-

reffallanswer, Ia. 50.6.c.77. Mar.p.6.c. 34.

BROCCARII, b flatuis gilde. fignifics lockers, brockers, mediatours, or intercessourin onie transaction, paction or contract. As in buying and felling, or in outracting of mariage. In the civil law they are called, Proxeners, Lib: 10 tot. iii. de Proxeners.

BULLION ane French word, Bilon, fignifies uncunzied filver or gold-quhairof filver or gold is, or may be cunzied or ftriken: fik as Balla ca, in greek Chry Jamenos. h e. aures arens. que ex terra effoditur lib 1.c. de metallar.l. 11. In the English lawes it is called Plate. In the acts of parliament of this realmo, it is flatute and ordained. That merchands fall bring hame Bullion, quiair-anent the Lordes of checker maid this ordinance, At Edinburgh the 10. day of Janua. 1597. In prefence of the Lordes of checker compeired personally, the Provest, Baillies and Thesaurer of Edinburgh, with certaine merchands their nichtbors, and gave in their supplication, desiring the A. B. C. of Bullion to be explained, and an solide order to be taken with the expres quantitie of Bullion, quhilk they salbe astricted to pay presently, &in all time heirester. After consideratio quhairof, & conference had at length with them, upon the particularities concerning the said matter of Bullion. The saids Lords of checker, with consent of the saids Provest and Baillies, for themselves, and their remanent nichtbors, and merchands of this realm; hes statute and ordained, that all merchands sail inbring and pay in all time comming, for ilk last of hydes, sex onness Bullion: For ilk last of Salmond, sour ounce bullion: For ilk 4-hundreth claith, four ounce bullion: For ilk last of sour ounce bullion: ment of this realmo it is flatute and ordained, That merchands fall bring claith, four ounce bullion: For ilk ferplaith of woolle, four ounce b claith, four ounce bullion: For ilk ferplaith of woolle, four ounce bullion.

And for all urher waires and merchandice transported be them furth of this realme, for ilk ferplaith of gudes, or fa-meikle as payis ane ferplaith of fraucht: The faid Merchand fall pay, four ounces of bullion: And untill mair perfite knawledge, be had of the just quantitie of the ferplaith, ordainist wa tun fraucht, to be compted to the fek: And twa fek traucht to the ferplaith. And the faid bullion to be in-brocht to the Cuinzie-house be the merchandes: And payment to be maid to them for the famin, con-forme to the act of parliament maid there-anent, upon the nineteenth day of December, last by-past.

Ane A. B. C. of the Bullion, fet downe be the Lords of Checker, for gudes transported furth of the Cuntrie. And declared be them, to be conforme to the after of Parliament, And the after of Checker, above specified 13, Febru 1597.

of cheeker, above freespear 15.		
The last of drinking beare	ij, ounce	burnt filver
The last of Quheate		iiij. ounce
The last of Beare		iij. ounce
The laft of Malt	*	ij. ounce
The last of Rye, and Rye meale,		ij-ounce
The last of Killing, Codlinge and Ling		ij ounce
The last of Olie		ij. ounce
The last of Orkney butter		ij, ounce
The laft of Herring		ij ounce
The last of Salmond		iiij. oance
The laft of Saipe		ij.ounce
The laft of Affe		ii ounce
The last of Pick and Tarre		ij. ounce
The laft of Lint and Hemp	14	n ounce
The laft of Irne		ij. ounce
The last of Copper conteining 14. schip pund		ij. ounce
The last of Hart hides, dry hides, and falt his	des	vj. ounce
The tun of wine		i-ounce
1lk four hundreth of claith	1 1 1 1 1 1 1 1 1	iiij. ounce
1lk feck of scheip-skinnes conteining 500.	The state of	ij-ounce
The ferplaith of lamb-skins conteining 8000.		'iiij. ounce'
The ferplaith of cunning-skins conteining 160	00.	ilij. onnce
Ilk ferplaith of futfelles conteining 4000.		iii) ounce
11k feck of gait-skins conteining 680.		ij- ounce
Ilk three chalder of falt		i- ounce
11k hundreth of dailles ,		i ounce
Ilk laft of Narvis talloun		ij-ounce
Ilk tunne of lead	· 10	i- ounce
Ilk four chalder of coales		i-ounce
11k three hundreth of drie fisch		ij ounce
Ilk thousand ling or killing in peill		vj ounce
For ilk four cradill of glaffe	1	ij ounce
For ilk feck of wooll conteining xxiiij ftanes	19 2 197	ij ounce'
The last of wax, conteining xiiij schip pund		i) ounce

BURLAW, Byrlaw. Lawes of Burlaw are maid, and determined be confent of nichtbors, elected and chosen be common consent, in the courts, called the Byrlaw courts. In the qubilk, cognition is taken of complaints betuixt nichtbour and nichtbour, lib. 4. c. The qubilk men sa chosen, as judges and arbitrators to the effect foresaid, are commonly called byrlaw men. It is an Dutch word, for baur or baurfman in Dutch, is rufticus, an husband-man. And fa byrlaw burlaw, or baurlaw, leges rufticorum:

Lawes maid be husband-men, concerning nichtbour-heid to be keeped amangs themselves.

ADROW, quhair of mention is maid in the act of P. printed. 1568. Ia.
2.4. An. 1454.c. 41. wrangoully, for cadzon, because furth of the barony of Cadzon, an zeirly pension or annuel-rent of 26. pound 13. Schil. 4. pen. was payed to the King in the checker, as is manifest in the Schireff-rolles.

Ia. 2. 1456. and likewaies in the Schireff-rolles, Ia. 3. 1487. in the quhilk

14. 2. 1456. and likewaies in the Schireff-rolles, 14.3. 1487. in the quhilk rol, the barronny of Cadyou is called Hammilton, & in divers when rolles. CANUM, Cana. In findrie charters and infefiments of lands, specially halding of the kirk, is commonly used, for the duety and revenue quhilk is paied to the superiour, or lord of the land, and specially to bischops, or kirk-men, quhidder it be quheat, beir, aites, or uther kinde of victuals: salt, or summes of mony, as is manifest, ult. feb. 1509. The King contrare the La of Balmonth. Zit nevertheles, the lands of Kilcongubair, liand within the schirestome of Fyse, are retoured to be halden be service of ward and relieve, payand an certain sum of silver, nomine cani. to the B. of S. Andrewa Quhilk to be well done, I cannot affirme: for it is certaine, that all lands halden nomine cani. payis ane certain sum of silver, or some uther certain halden nomine cani. lieve, payand an certain fum of filver, nomine cani. to the B. of S. Andrews. Quhilk to be weill done, I cannot affirme: for it is certaine, that all lands halden nomine cani, payisane certain fum of filver, or fome uther certain duty, particularly expressed in the insessment. Sa gis that maner of halding be like to the halding be service of ward and relieve; of necessitie the samin mon be ane taxed ward, and during the time thereof, the tennent said pay na mair but the particular sums or duty conteined in his insessment, Canum, appeirs to be an Irisch word, for Keane signifies the head, as King Malcolm Kenmoir, grandis Capite, vel capito, great head; and likewaies kain or Chan, is called tribute, payed be the servand, or subject to the maister, as I have red in ane auld authentick register of the bischoprik of Dankeld, quhair it is called Chan or Chanum. And amangis the Romainer there was twa kinds of tribute: ane real, quhilk was impute be reason, of the quantity of the landes and guds immoveable, quhilk is called jugatio, quad promodo jugerum imponebatur. 1.9. C. de agricol. or censis. Ibi. 11. Ane uther personal, quhilk was injoyned to the person: and is called capitatio, quad procapite bomins: pressaur. Also cum. I seq. or ibi gl. l. sarojante. 2. C. de sacrosaste. Capita. Ibi. 12. And in the Evangel, licetne dare censum Casari. Theod. Beya interpretis, licetne dare capitationem Casari. Allus Gellius, and uther latin writers makis mention of them quha was taxed be the head or pow. In latin capite censsis. Sa this word Cane signifies the head, or rathertribute or dute, as Cane sowles, Cane cheis, Cane saites, quhilk is payed be the tennent to the master as and duety of the land, specially to kirk men and prelats, quha in the time of their greatnes and supermanic, yield ane fo

canage of wol, or hyds, is taken for the cultome theirof, le. navium fol. 171. in li. M. Willielmi Skene, commißarij Sanctandrea fratris moi germani. Specially, quhilk is given for the mending and up-halding of the haven for fchips. leg. burg. c. ult. in lib. Carbraith.

CAMPIONES, ane word commonly used in singular battell: For in audd times, quhen controversies, and debates culd not be utherwise decided, bot be singular battell: the parties did either fecht in proper person, or conduced, and fied for wage uthers to fecht for them. Quha war called campiones, because they faucht in campo, or in the fields, de judic. c. 93. Albeits summine they did fecht in the K. palace. lib. 4. c. stat. 38. and sumtime in the common streits. quo. attach.c.apud Dumfrew, 59. stat. Alex. c. apud 28. from the quhilk consuetude cummis the common laying: Do thou vichs, do thou wrang, their thou a camp on strang: for this is the law of Scotland. Because in all actions. and quarrels decided be campions in singular combate. That partie did win the cause, quhais campion was victorious, &c he quhais campion was vanquished and overcum in battel, did tine his cause. Vi. Duellum gladiatores, or duellatores, are forbidden. I. unic. C. de gladiato-Duellum gladiatores, or duellatores, areforbidden. l. unic, C. de gladiato-

CATALA, an French word, Chattel, as is commonly taken in the lawes of this realm, for all guds and geare moveable, li. 2.c. cum quis. 52.c. usura-rii, 53.c. 55. ubi res mobiles dicuntur catalla: and likewife in the lawes of Normandy gudes moveable, significs all things, as possessing a philikis may be removed fira ane place to an uther, and commonly are called cattel, as horse, claith, gold, silver; and uther sik things. li. 5.c. 1. Like as bareed ditus, or heritage, significs all lands, & immoveable guds in the said law of Normand. li. 3.c. 1. And also in the lawes of this realme. li. 2.c. 53. stat. gild c. item quod qui cunq; 19. and leg. burg. c. statistic li. falbe in the keiping of the kinsmen of the mother side, called cognati. And his heritage in the keiping of the kinsmen of the fathers side, called agnati.

CATHORIUS, Catherius, quhat it signifies, I cannot weil declair, alwaies it is equivalent to the valor of 9. Ky, St. Alex.c. apud. 28. quo, at. c. apud breakthe 59: quhair it is stature, that gil ony person beis convict in singular battel, or waies it daw vaccus. Of tree cathorios, vel pro quolibet cathorio novem vaccus. It istrue, that cantherius in latin, signifies an gelded horse the father quha being unable, and not qualified, selks and cravis offices, quhair in the yean do na mair service nor a horse or horsena, comben and horse can be program of public within an sow service nor a horse or horsena, can be program on the post of the subject of the catherius in parta. when any horse can be program of the public cathorio novem vaccus. It istrue, that cantherius in latin, signifies an gelded horse the public cathorio novem vaccus. It istrue, that cantherius in latin, signifies an gelded horse the public cathorio novem vaccus. It istrue, and sikike cantherius in parta. when any horse cantherius in parta. CATALA, an French word, Chattel, as is commonly taken in the lawes

in they can do na mair service nor a horse or horsinan can do, being in-closed within an sowie: and siklike cantherius in porta, quhen ane horse C 2

orfe Canther being

being led furth of the stabill, in the port, or in the beginning of his journey, snappers or tallis with his maister: The superstitious peopill esteemed that to be one evill presage of the journy.

CARRUCATA terra, Ane French word, for charron, is one pleuch, aratrum, and conteins alsociated an portion, or measure of Land, as may be tilled, and laboured within yeire and date be one pleuch. lib. 1. c. dos. 19. Utherwaies in the famin place it is called hilds terra, wel hids ter-ra, quhilk is ane worde used in the auld Briton Lawes.

Ta, quhilk is ane worde used in the auto prison Lawes.

CARTA extensa, or extensa, Ane chartour quhilk contains ane disposition of landes, with certaine meithes, and marches, utherwaies cal-

disposition of landes, with certaine meithes, and marches utherwaies called an boundand chartour, quon. aitath. c. stat. dominus rex. 62. ass. reg. Da. c. status per conssitum, 36. Stat. Wilh. c. 7.

CAUPES, Calpes, in Galloway, and Carries, quhairos mention is maid in the Actes of Parliament. Ja. 4. p. 2. c. 18. 19. lignifies ane gift, sik as horse, or uther thing, quhilk an man in his awin lifetime, and liege poussie gives to his Maister, or to onic uther man, that is greatest in power and authoritie, and speciallie to the head and chiefe of the clann, for his mainauthoritie, and speciallie to the head and chiefe of the clann, for his maintenance and protection, like as for the samin effect and cause sindrie persons payis Black maill to thieves, or mainteners of thieves, contrain the lawes of this Realme. Bot in the Iler and Hie-land of this Realme, the calpet are presentile payed be him quha oblishis him theirstore, after his decease. Swa the Herezelde is payed be provision of the Law: and the Calpe is given be speciall paction, and obligatione, baith the ane and the uther after the decease of the debtour. Bot the Herezelde, sudd be first payed to the Laids-lord, and an notable oppression is used in taking up of the Cause. For gifthe chiefe of the clanne oblishis him to pay ane Calpe: after his decease, ane Calpe is payed for him. And also quhen onie of his and also guhen onie of his the water size and calpe is payed for him. caupe. For gif the chiefe of the clanne oblithis him to pay and caupe ter his deceafe, and calpe is payed for him. And also quhen onic of his clanne deceasis, and calpe likewaits is payed for ilk and of them, be reasoun of the promes maid be their maister and chiefe. Perinde acti obligatio father tribus alliquest sinus less extribu. Haper principem tribut, obligares singules ex tribu. CEPUM animalium, the taulch, creische or fatnes of beastes leg.

Hidaterra.

CEPUM animalium, the taulch, creifche or fatnes of beaftes leg. burg. c. stanis scienter. 71.

CHAMPERT, ane bud, or gift, taken be onie greate man, or judge fra onie person, for delay of judt actiones, or surthering of wrangous actions: quhidder it be landes or onie gudes moveable. Stat. 2, Ro. Br. c. dominus Rex. 22. Champert in the lawes of England is quhen the judge be himselfe directlie, or be onic uther indirectlie, manteines the pley, to obteine the maintenance of the ane partie against the uther, JohnRassell, ver. Champert, In the civill law. pattum de quota litis, is unlesum and forbidden 1. 5. C. de possuland. I. ficontra 22. C., mandati.

CHARDONES vel Cardones, Cardes quhairwith wol is carded and wrocht.leg. burg.c. de parva custuma 137, fra the French word, Chardon from Carduus ane thristill, to the quhilk the Cardes are like in scharpnes and in multitude, or similitude of monie scharp pykes, and teith.

CHAUD-MELLE, in latine Risa, ane hoat suddaine tuilzie, or debaite, quhilk is opponed as contrart of orthoucht fellonie. Ja. 1. p. 6. c. 95, vid. Melletum, vid. Forthoucht sellonie.

CHECKER, and the forme of Comptes maid theirin. vid. Scacea.

CHECKER, and the forme of Comptes maid theirin, vid. Scacea-

vid. Ballivus

rium, vid. Ballivus.

CLAN-MAK DUF de judic. 78. The croce of Clanmakduf dividis

Stratherne fra Fife abone the Newburgh, befide Lundoris. The quhilk had
priviledge and libertie of Girth; in fik fort, that quhen onic man-flayer,
being within the ninth degrie of Kin and bluid to Mak-duff, funtime Earl
of Fife, come to that croce, and gave 9. kie and an colpindach, he was free
of the flaughter committed be him. In the flanes of this Croce, I faw findrie barbarous wordes and verfes written, quhik here willinglie I pretermit, and zit film of them appearis to be conforme to this purpose.

mit, and zit sum of them appearis to be conforme to this purpose;

Propter makgidrim & boc oblatum, Accipe smeleridem super lampade limpida labrum.

King David the 2. gave and disponed the Earle-dome of Fife, with all King David the 2. gave and disponed the Earle-dome of Fise, with all priviledges & eum lege que woester Clan-makduss, to William Ramsay and his aires, quhilk charter is zit extant in the Register. Hellor Boetius lib. 12. declairis three priviledges given to Mak-duss, his clanne and lamilie, 1. that the Earle of Fise suld set up the King in his Chyre, the time of his Coronation: the 2. that in the time of battell, he suld sech the want-gard. The 3. that Mak-duss and his clanne suld have the priviledge and richt of regalitie. And I saw at auld evident bearand, that Spens of Wormesoun beand of Mak-duss Kinne, injoyed the benefit and immunitie of this Lawe, for the slauchter of an ealled Kinnynmonth.

CLAREMETHEN, Clarmathan, the Law of Claremethen concernis the warrandice of stollen cattell, or gudes: for quhen sik gudes are challenged, or repeated be the just awners theiros: It is statute and ordained that all persones, quha suld warrand the famin, sall cum to certaine places, speciallie nominat and appoynted to that effect, and lauchfullie warrand the samin. lib. 1. c. hee sum loca. 22. Stat. Alex. e. de Catalla. 12.

CLARIFICATIO quo atrách. c. (i quis appellat. 46. The purging or clenging of ane affife. affi. Reg. Da. c. 3. Clarificatio debiti, the clearnes of ane debte, quhilk is notour and clear in the felfe: Or clearlie, and suffici-

entile proven and verified. leg. Forest. c. probato. 86.

CLEP, and Call, ane forme of Claime, petition, or libell, or certaine CLEP, and Call, ane forme of Claime, petition, or libell, or certaine folemne wordes used speciallic in criminall causes for sum clames were conceaved simplie, without onic solemnitic of wordes, as in the brieve of distres, or poynding for debt. quon.attach.c.de brevibus 31. uther clames were libelled and conceaved in ane certaine solemne forme, as in pleyis of wrang and unlaw, in the quhilk clepe, and call, was used as ane certaine solemnitie of wordes prescrived be the Law, and observed in the practik, as when the persewer did clep, and call, the defender with wouth wrang and unlaw, in harming and skaithing of him of sik ane thing, or of sik ane summe of silver mair or lesse, to his great harme and skaith.

COLPINDACH, an zoung beast, or Kow, of the age of an or twa

zeires, quhilk now is called an Condach, or quoch, quhairof the price was 30. d. leg. Ma. Ma. c. 4. It is an Irilb word, and properly fignifies

COLLISTRIDIUM, Collistrigium, quod colles stringas. Quhilk maie be called the Joggs, and is ordaned for punishmental baxters. leg. Burg.c. si aliquis. 21. quhair it is called an pillorie, or stocks or onie band quhairwith the craig, or hals is bund, as an halfe-fang, i the laws of England,

r. 3. in latin Numelle. 51. He

CONQUESTUS, quhairof frequent mention imade in the lawes and practik of this Realme, is different from heretage Because heretage signifies lands and immoveabil gudes, quhilk perteiniso onie person, as aire and universal successour, to his stather, or onie utherpredecessour: and be the civill lawes bareditau nibil alind est quam successour in universam jus, quod defantius babuit. L hareditas, 62. de. regul. ju. l. nibil. 24. de verb. fignis. and be the municipall law of this realme, the eldest sonne successis jure universals in universam hereditatem patris sui lib. 2. c. cum qui. 29. Conquestus signistics landes, quhilk onie person acquiris and possessis privato jure, vel singulari titulo, velusi donatione, vel simulari aliquo contrattu. lib. 3. c. cum verò. 28. Quhilk is conforme to the civil law, ubi quastus dictius lucrum, anod exemptione. Venditione, locations, ondustione, vel senera-CONQUESTUS, quhairof frequent mention imade in the lawes and lib. 3.c. cum verò. 28. Quhilk is conforme to the crill law, ubi quessus dicitur lucrum, quod exemptione, Venditione, locatione, ondustione, vel generaliter ex opera cujus descendit. 1. coiri. 7. cum seq. 3. ros Socio. Et de jure hujus regni, conquessus cujus sibet liberi hominui legitini. qui mortitur de ipsu sastitus hereditarie, sine herede de corpore suo, gradaim ascendit: hereditarie, sine herede de corpore suo, gradaim ascendit: hereditarie, sine herede de compose suo, gradaim ascendit: hereditarie sus verò gradatim descendit. Stat. Wilh. c. notandum 24. leg. Burg. c. sciendum. 155. Stat. Rob. 3.c. 3. vid. post-matus. And it is to be observed, that gif conquest landes, aster the decease of the conquercur, dois anis ascend, to ony person, quha theiraster happenis to decease, thesamin landes sal descend, as heretage to his nearest aire, because conquest dois allanersic anis ascend, and thereaster perpetuallie descendisto the righteous aire, gif onte be: quia conquessus dicitur ratione primi conquestorie, se cum transmittitur ad ejus haredem, exuit naturam conquessos. Sinduit naturam bareditatis.

CORONER; Crouner inquirs be an inquest anent murther and slaughter done, and committed quietlie. The qubilk inquisition suld be taken in the hie streites, or in open places, in corona populs, for the qubilk cause he is called coronator, or zit because the violent death of the subjectes perteins to the Kingis Crown, and power. Quhairanent the crouner takis inquisition, as said is D. Thomas Smith lib. 2. c. 23. of the common weill of England, Reade the English lawes anno. 4. Edward. 1. c. 2.

Of Enguna, Reade the English lawes sino. 4. Edward. 1. c. 2.

CREFFERA, or bara porcorum, and cruise, or and fwines cruis. log. barg. c. Nonlicet. 87. quhilk in sum and bankes is called and Style.

CRO, Croy, in the actes of Parliament. Ja. 1. p. 6. c. 93. is an efatiof action or assistance for slauchter of ony man. The quhilk the judge suld paie to the narrest of his kin, in case he minister nocht the Law as he suld doc. Ja. 1. p. 6. c. 89.

c. Ja.1.p.6.c.\$9. properly it may be called an backborgh, or cautioner, for quhen ony havand power, or juridiction replegis ony man fra an uther mans court, to his awin court, he fuld leif behindhim in the court, fra the quhilk the replegiaawin court, ne fuid lei beninamin in the court, it in equinit in e replegia-tion is maid, an pledge or cautioner quha falbe bundin and oblifhed, that he quha ufis the replegiation, fall do juftice within zeire and daie in his awin court, to the partie complainand, upon the person quha is repleged. Quhilk cautioner left in the court be him, and behind him quha wis the Quhilk cautioner left in the court be him, and behind him quba wis the replegiation, is called Culrach, lib.4.c. if quo in alterius 20. quo. attach, t. 3. mod, ten, cur. c. 12. de Judic. c. 28. And gif the partie complainand gettis na reason in that court, to the quhilk, the desender is borrowed and repleged, he sall have regres againe to the first court, sa the quhilk the replegiation was maid, and their sall the mute, and pley be ended, and the Culrach salbe in an eunlaw, gif the partie persewed compeirs nocht, and he quha used the replegiation, and did nocht Justice, sall tine his court for zeire and daie. for zeire and daie.

CURIA, Ane courte, quhairof fum are superiour and sum inseriour, leg. Malc. Mak. c. 4. vide Americamentum. The superiour is the Parliament, quhilk hes jurisdiction of all maters Ecclesiasticall, civill, and criminall. All courtes by and attour the ordinar persones of the judge, the persewer and the desender suld have certaine uther persones and members, quhilkis are called claves curie, the keyes of the court, that is ane lauchfull officiar or ferjand, quha fuld fummond, attache and arreift the parties. Ane lauchfull Clerke quha fuld informe the affife, and the dempfer, and hes the cure and keiping of the proces. Ane futour quha wardis and pronunces the waird, and interlocutour of the Court. Ane dempfter

or doomester quha gives the doome or sentence definitive, conforme to the information of the Clerke or Judge.

CURIA christianitatis lib. 2. c. debet autem, 37. lib. 1. c. placitum, 17. Is called the ecclesiastical jurisdiction or court. utherwaics forum eccless. afficum, lib. 1. e. 5. Curia Christianitatis oppositur laicali seu secula 2. c. cum aliquis 39. lib. 3. e. preterea, 23. For unto the ane perteinis elessaticall, and to the uther the temporall or secular jurisdiction.

CURIALITAS, curialitie, curtesse, from the French Currosse, civilitie, gentlenesse, humanitie, for the law of curtesse, is an gentill and tavorable ordinance or constitution, granted and observed in this Realme, and nocht universallie keiped, or used in uther cuntries, And therefore of England lex Anglie, or the curtefic of Scotland. And in the laws of England lex Anglie, or the curtefic of England, within the quhilk twa realmes and nane uther this law is in use. That is quhen onic man maries lauchfullic ane wife, and receivis lande and heritage with her: And it happen that he beget with her ane bairne, quha being borne, is heard cryand betuixt four walles of ane house: And therafter his wife deceasis before him, he fall bruik and possess, all the landes quhilks perteined to her, in-during his life-time, albeit the bairne live or decease.

Lib.2.c. cum itaque 59. The bairne borne, being sonne, or daughter, maill,

Chyra

for femaill de Iudie, c. Maritagium. 127: Quhilk law hes place in landes and heretage, lyand without burgh, halden of rhe King or ony uther superiour: And also in landes and tenementes lyand within burgh and halden in free burgage. Leg. Burg. c. st aliquis. 44. This Law is noch introduced in tavoures of the wise or bairnes, bot is maid in favoures of the husband allanersie. And therefore it is noch t necessary that he have onic faising, infettmente, or uther richt, to the landes quhilk perteined to his wise heritablie: Bot onelie the benefite and priviledge of the cuttes, quhilk is valiable and sufficient to him induring his life-time, for bruiking and possessing of the landes, and for removing, out-putting and inputting of tennentes, in sik maner as gif he were proprietare, lyse-rentar, tackes man or rentaller. And maire-over, the Lawe of the cuttesse extended in savour of the Second hus-band. And theirefore gif ane extended in favour of the Second hus band. And theirefore gif and man maries ane beretrix, and after his decease, shee marie ane Second hus-band, and beare to him ane fonne, or ane daughter, and thereafter fhee deceases, hir second hu-band aucht and sulde bruike and jojs the priviledge of the curtefie, in fik manner as gif the first hus-band micht have done, incase his wife had deceassed before him. lib. 2. dic. cap. 58. de Indic.Cap. 127.

As concerning the estaite and qualitie of the woman that is maried, it is necessar that she be heretablic inset and faised in the landes as aire to hir father or uther hir predicessoures. Bot it is nocht necessarlie required, that she be ane virgine and maiden. Because the curtesse per-teines to the second hus band, quha maries ane widdow as saide is. Al-waies quhidder the wise be widdow, the time of hir second mariage: or virgine and maiden, the time of hir fieft marriage, necessatile shee suld be ane heretrix, aire, or universall successour to hir Father, Mother, or to fum urber of hir predeceffours. For gif the wife hes onlie richt and titill to the landes and heretage, as fingular fucceffour, be vertue of onie contract, velusi titulo emptionis: Hir husband after hir decease can never clame richt to the landis, induring his life-time, be the curtesse of Scotland. Twenty aucht Januar, an thousand, five hundred, nintie five. Robert Lundie of Releases: Contrait Robert Bullower of Parage. The survey land. die of Balgony: contrair Robert Balfoure of Dovane. The curtelie hes nocht place quhen na bairne is borne in lauchfull marriage, for it is necessar that are bairne be borne maill or semail, quick and liveand: And sor probation theirof, he mon be heard cryand, for the currefie hes place in puero clamante, (or as it is written in fum buskes) brayand, squeiland, or loudlie cryand. For in Frenche brayer, in the latin vagire, is to crie or greite with ane loud voice. Quhilk word in our language, is alswa attributted to Hose Hartes, and uther beastes. And gif contraverse arise annent the life or crying of the bairne, it is leifum to the Father to pruife the famin be twa lauchfull men or wemen, quha heard the bairne clathe tamin be twa fauchiull men or wemen, quan neard the bairne eta-mare, plorare, vagire feu brayare leg.burg d.cap.44. The husband or Father fuld bruike the curtesic after the death of his wife, albeit the bairne be-ing borne quick happen to decease immediatelie, or shortlie after his nativitie. Or albeit the bairne and the Mother baith departe this life; for suppose the bairne happen to decease before his Mother and shee decease thereaster, or albeit baith the bairne and the Mother decease at ane time, or zit gifthe bairne levis, and the Mother before the hul-band depart forth of this life, the hul-band furvivand after her death fall bruike the priviledge of the curtesse of all Landes quhairin his wife was heretablic insest: ninth of Iulij, ane thousand, sive hundreth nintie seaven. Martha and Eupheme Mackalzeanes, contrar Mai'ter James Ward-law advocate. swa the substantial heades of the curtesse with the substantial heades of the curtesse. are thir following, quhairof gif onie ane failzie the curtefie ceatis.

First is required ane lauchfull marriage betuixt man and wife. Secondlie, the wife fuld be ane heretrix haveand ius universale, quhairbe she succeids to her Father, Mother, or some uther her torbeare. Third-lie; She suld be heretablie insest and saised in the Landes. For gif she delie; She juid be heretablic intert and faifed, hir hus-band fuld have na curtefie. Fourthlie; She fuld decease before her hus-band, for sa lang as
shee and the husband livis, he hes ius mariti. And after hir decease,
he hes ius curialitatis. Fiftlie, Bairnes suld be lauchfullie gotten & borne,
at the least ane bairne, maill or femaill, quick and livand. Last of all
the curtesse is als effectuall to the husband, tuiching wairde-landes, perteining to his wise, as the Kingis confirmation. For landes halden of teining to his wife, as the Kingis confirmation. For landes halden of the Kingin chiefe, and confirmed be him, fallis nocht in wairde, induring the life-time of the person to quhome the confirmation is granted. He being theirby immediat tennent to the King. And like-wise, ted. He being theirby immediat tennent to the King. And like-wife, gif onie man maries ane heritrix of waird landes, and after her decease her aire is Minor, and of lesse aige: Neverthelesse the landes fallis nocht in the superiours handes, be reasoun of warde. Bot the husband sulde bruike and posses the samin induring his lifetime, be reason of the curtesse of this Realme. Because the richt of the waird Perteining to the superiour, ceasis quhair the curtesse belanged to the hus-hand hes place. Penvis. Februar, ane thousand, sive hundreth, sistic three: George Gorthie contrair the Lord Methven. And zit the hus-bande being onlie life-rentare may nocht sell or annaillie heretablie the side ing onlie life-rentare may nocht fell or annaillie heretablie the faide Landes, or onle pairte theirof, in hurte and prejudice of the richteous aire. leg. burg. 6.44

DISCLAMATION is used in the law, and practick of this realme Clamare idem oft quod dicere, affirmare: As clamare aliquod tenementum, aut aliquam terram effe suam, to claime, and affirme onic heritage or lands to be his awin. Clamare aliquem dominum to clame, avow, and affirme onie heritage or lands to be his awin. Clamare aliquem dominum to clame, avow, and affirme onie man to be his maifter or firperior, to quhom he aucht fervice, &of quho he haldis his landes in chiefe. Difclamare is to difclame, difavow or denie as to denie ane uther to be his superiour, as quhen the superiour affirmis the lands to be halden of him, and the vassall denies the samin. In the quhilk case gif the contrar be fund of veritie, the vassal times and amittis all the landes quhilk he haldes of that superiour, & the propertie theirof returnis to the superiour, de maritag.c., 18. Stat.Ro. 3.c. primo. 20. Quhair
the auld forme and manner of disclamation is declared. Mairover, disclamation is quhen the persewer claimes landes perteinand to him, and haldin of an superiour: and the desendour affirmis the samin to be haldin of
ane uther over-lord. lib. 1.c. solet. 26. lib. 3.c. tali, 18. To the decision of the
quhilk controversie, baith the saids alleadged over-lordes suid be called.
And he quha failzies to proove himselfe superiour, sall never be heard
to claime the samin asterward, and the vassall being convict, tynis the
land and propertie theirof, quhilk is adjudged to him, quha was wrangouslie denied be the superiour, & is sound to have richt theiro, lib. 1. c.
Gverò 28. Last the vassall tynis & foresaultis his landes, gifte wrangouslie denies his sew, or the condition theiros, that is the service aucht theirfore, conforme to the French proverbe qui sies service aucht theirfore, conforme to the French proverbe qui sessalles, spert. The reason is
because the vassall denyand his halding, his maister or landes, contemnis
and dishonours his maister. Bot it is necessar that the vassall or tenneut
denie fraudfully, that is wittinglie, quia vassallus seadum quad sciens abnegavit, amittie: ignoranti verò subvenitur. Quod si dubitet, dubitanter respondere potest. Cuiacius. lib. 4. de feud tis. S. & Tit. 21. & Tit. 39. de parna negantis feudum.

DISSA ATIONARE form the service survey. all the landes quhilk he haldes of that superiour, & the propertie their

DISRATIONARE, from the french word Difrener. In Latin DISRATIONARE, from the french word Diffeener. In Latin Duellare, Duello contendere, to feeth in fingular battell, and commonlie is understand of the appealer, or persewer, quia cum vadiatur duellum provocans das vadium difrationandi, or defendens vadium defendendi. Sumtime difrationare is mair generallic taken, for to tine onie thing in judgement be forme of proces, concord or aggricance lib. 3.c. cum itaque. 14, lib. 2.c. steri autem. 67. quon. attach. c. 4. Item if signifies to proove onie thing conforme to the consideratione of the Courte be battell, write, or be ane affile of the cuntrie, lib. 1. Cap. si veró. 18. Cap. si veró Dominus. 29. Iter camer. Cap. apparens. 24. Or be the aith of the partie, and certaine conjuratoures quhilks are called Sacramentales, Quha sum-time maa, and Sacsumentime, sewer in number makis saith and swearist in onic cause with last ane partie haveand entresse in persure or desence. Cuia, lib. 1. de feud.

And in the Lawes of this Realme, dicitur aliquis Turare cum tertia. Sep. And in the Lawes of this Realme, dicitur aliquis Jurare cum tertia, fep-tima, Duodecima manu. Quhen three, feaven or twelfe personei fwearis with him. Quhilk in the Cannon Lawe is called Furgatio Cano-

DISSASINA, Safina is ane French worde, and fignifies pol-fellion, to the quhilk Distatina is contrare, and fignifies dispossellion, quhair ane person beand in possession of onic Landes, as mailler to his maister, or haveand onic uther title theirto in write, is wrangouslie his maister, or haveand onic uther title theirto in write, is wrangouslie ejected and put fra the samin, without onic warning or ordour of Law. Like-wise Dissaina is called spuilize, quhen onic person is spuilized violenclie and wrangouslie of moveable gudes and geare, pertaining to him, as his awin proper gudes: and being in his possession of the proper gudes: and being in his possession of the same and gudes in moveable: and spuilize is of cattell, and gudes moveable, and baith the ane and the uther is comprehended under Dissaina afferg. Da Cap. Statutum sait. 31. Quhilk is conforme to the English Lawes. Henrie. 3, Stat. de Mercoun. c., 3, and to the lawes of France. Molinans in stileur. Parl. part. 1. c. 18. And be the auld law of this realm, Dissainor, or committer of spuilizie or ejection, being convict theirof suld pay ane unlaw of ten pundis to the King, Stat. Alex. c. Stat. 7. And may be accused criminallie before the Justice and his deputes. Ia. 5, p. 4, c. 33.

to the King, orar. Aiex.c. Stat. 7. And may be actured criminaline before the Justice and his deputes. Ia. 5.p. 4.c. 33.

DISPARAGIUM, like as parage is called equalitie, from the latin word paritas. Sa disparagium is called inequalitie in bluid, honour, dignitie, or utherwaies, from the word disparitas, leg. Forrest.c.de baredi.

dignitie, or utherwaies, from the word disparitas, leg. Forrest c, de baredibus. 64. cum seq.

DISSOLUTION, an latin word, quhilk signifies lowsing of that thing quhilk was bound of before. And likeas lowsing is contrair to bining: Swa dissolution is contrair to annexation, speciallie in the Kingis propertie, annexed and united to the Crown. For the samin being dissolved is maid lowse, and free of that nature and qualities that it may be annalized and disponed to sik as pleasis his Hienes, with certaine conditions and provisions. Dissolution of the propertie is maid to the effect the famin maie be sauld and annalized be the King, and therefore can noche be lauchfully maid in his minoritie. Ia. 6.p. 14. c. 203. For like as the King being Minor may nocht sel his propertie: evin sa at that time it is nocht. The King in less that it is nocht to the condition theirof. And likewise gif onie man haveandheritable insessment maie mosh or uther richt to onie part of the Kings annexed propertie, for the crime dissolve his of treason, is foresalted: and theirasser be the three Estaites in Parliament propertie, is restored in the minoritie and lesse age of ane King. Albeit this restitutiis restored in the minoritie and lesse age of ane King. Albeit this rest is reflored in the minoritie and lesse age of ane King. Albeit this restitution may rehable his person: Zit is na sufficient richt to repone or restore him againe to his richt of the said annexed propertie. For like as an dissolution maid in the Kings minoritie is null: Evin swa, ane restitution maid in his les aige, concerning his annexed propertie is of nane availl: for the dissolution, and restitution ar baith of ane nature, and producisance effect, hurtfull and prejudiciall to the King, in Registro. 18. Juhi. 1597. The quality Kingis advocate contrar Alexander, Lorde Hume, and tennentes of Dumbar. And sait is manifest that ane dissolution of the annexed propertie maid by an exemple of the maid be ane King in his majoritie, in an Parliament with confert of fuld be maid be ane King in his majoritie, in an Parliament with confi the three Estaits, Ja 6, p. 15 c. 233. Bot an annexation, may be maid the three Estairs, 13-6, p. 15-6-233. Bot an annexation, may be maid in Parliament in the Kings minoritie; quia rex eodem modo quo quilibet minor conditionem fuam potest meliorem facere. It is lesum to the King after the dissolution, to set his proper lands annexed, or unannexed in sew-serme to onic of his lieges, and speciallie to the kindlic tennentes and possession theiros, as he pleasis. Dissolution induris only for To quino the lifetime of the King; maker and author theiros, and quhen he de-may the ceasis, the same ceasis and endist. And theirsore the samin beand tem-set his porall, and personalls his aires and successour may not set onic annex.

Disclan

on being experted, the an-

propertie, exed, fuld be

ed landes in fewferme, be vertew of onie diffolution, maid be his Father or predeceffour. Albeit diffolution be temporal, as faid is, zit the Landes fet and difponed heretablic after the diffolution, remainis perpetuallic with them and their aires, to quhom they ar difponed, after the forme of the conditiones, conteined in their infeftmentes. And fwa the alienation and difpolition lauchfullic maid, is perpetuall, or transitoria ad heredes. Albeit the diffolution be Temporal and perfonall, as faid is. The diffolution expyrand and ceasand, be the decease of the author thereof, as said is: All the landes annexed of before, returnis againe to the some & nature of the annexation; Swa that the same may not be set in sew-ferm, nor annailed be the King, succeedand to him, quha maid the dissolutions. nor annailed be the King, fucceedand to him, quha maid the diffolution, untill ane new lauchfull diffolution be maid thereof be himfelfe. In

on; untill ane new lauchfull diffolution be maid thereof be himselfe. In respect that allannexationes of their awin nature, ar perpetuall; and albeit, they may be interrupted and stayed, for ane certaine space, be ane dissolution; at after the ende thereof, the annexation dois quicken, revive, and walken, as it were, out of sleep, and returnist to the awin perpetuall nature, and swa remainis untill ane new dissolution be maid.

The King after ane dissolution, may set his landes in sew-ferme allanestie, and not in blench, or nomine alba sirmae, nor be service of warde & reliefe, or utherwaies, bot in sew-ferme, as said is. Iam 6.par 15. ca. 234.

The King may not fet his landes in sew-ferme, except the samin bee done with expresse augmentation of his rentall: That is, his gressures, customes, burrow-mailles, sermes, mutton, pultrie, avarage, cariage, or only uther dewties & service. Quhilk is not only manifest in the alienation of the annexed propertie: Bot likewise suld be observed and keiped in the dissostinos faith the kings of this realme, the time of their Coronation, makis faith solutions. It is strained to the cown: As it is statute be David 2.6. No. 13 57. & sa she K. may not sell the richt of the crowne; na mair may he annalie the rentes may not fell the richt of the crowne; na mair may he annalie the rentes theirof, quhairof the un-annexed propertie is ane parte. Mair-over, albeit an diffoution is not necessary in the allienation of the unannexed propertie (because that quhilk is not bound, requiris na lowsing) zit in al diflutions, maid be kingis of this realm; expres mention is maid baith of the pertie (because that quhilk is not bound, requiris na lowsing) zit in al dissurtions, maid be kingis of this realm; expres mention is maid baith of the annexed & unannexed propertie, to be set in sewserm, for augmentatio of the K. rétal, quhairby it is certaine, that the an, alsweil as the uther, being set in sewserm, canot be disponed in diminution of the rental. And eccerning that qualitie & condition, expreemed in the form of all disolutiones; the un-annexed, & annexed propertie, ar of like nature: Et in hoe case pari jure consensure: Sa that neither the ane, nor the uther, may be disponed, with diminution of the rental, utherwise the mention of the unannexed propertie, in the asts maid annent dissolution, were superfluous. Thir ar the substantial conditiones, expreemed in the dissolutiones of the propertie, maid be the Kings of this realme, quhairof, gif ony ane be not observed, the alienation & disposition maid after the dissolution, is null, & of nane availe: 1,6.p.15.c. 236. By & autour, the forme of dissolunull, & of nane availe: I,6.p. 15.c. 236. By & atrour, the forme of diffolu-tion abone expreemed; it is leafum to the King, with advife, deliverance & decreet of the baill parliament, and for great, feand and reasonable causes, concerning the weil-fare of the realme: first advised and digest-lie considered be the three estates: To fell, annalie, and dispone the kings

nexed propertie. Ia, 2. par. 11.cap. 41 . Ia, 5. p. 6.c. \$4.

DOS hes twa fignificationes, First it fignifies that quhilk is given the husband, with the wife, be reason and in contemplation of mariage In the civill law is called Dos, in our municipall law, Maritagium, Tocher gud, Lib. 2-c. Dos autem. 19. Secondly, Dos is taken for that gift & disposition of lands & tenements, quhilk ane man givis to his wile, quhen he maries her at the Kirk dure, or in the face of the halie kirk: Luhilk aucht & suld be, ane reasonable third part of all and haill, the tenement of land, quhilk the man or busband hes the time of the desponsation or mariage. child be, and reatonable this part of the desponsation or mariage. lib. 2.c. Dosaniem. 19.c. 20. lib. 4.cap.quatuor. 49.Sta....Alex.c.8. desudic. 163. And is given in recompensation of the tocher, payed be her, or in her name, to her husband: And therefore is called anidos: Cornel. Tacis callis dos that quhilk the husband givis to the wise, and not that quhilk the wife gives to the husband. Livius lib. 3. callis it munus nupsiale. In France it is called Dosalitii, or dosrium. It is given to the woman, to the effect, that after the decease of her husband, she may sustein & nursh hir selse, induring all the daies of her life-time: Therefore it is called Visalitia. Morganzaticum for the Dutch word Morganzab, morning gist, is ane kinde of dowry, in the second signification; & signifies the gist of guds moveable or immoveable, quhilk the husband givis to his wife, the day or morning after the mariage, and commonly is used in the Dutch lawes, in speculo Sasonico; & Landrecht, in Greek hypobolon in latine maintinale donum. Cutacius lia, de fend.

DUELLUM, du bacius li.4 de fewd.

DUELLUM, duorum bellum vel plurium, fingular battell, or combat: vide Campiones, Noble persones, or landed men, may fight in proper person, or be uthers in their name, quha ar called Campiones, in Latine, duellateres, Speciallie, sik as ar their awin bondmen, or tennentes, quha in bodie & guds ar under their maisters protection & maintenance; And therefore suld hazard and employ the samin in the defense of their maisters honour, and actiones. Bot husband men, ignoble, and unlanded men, fuld fight personallie, and nocht be Campiones. As. reg. Cap Statutus feit ber recent. regen

Bot all men that are decreeped, lamed, mutilat, or passed the age of threescore zeires, ar excused from singular battell. Lib 4.c. 4. leg. Burg.

e. Si burgensis. 24.

And siklike, religious persones, clerks, & weemen may not be compelled to fight. Lib. 4. c. 3. stat. Alex. c. 5. Ass. reg. Dav. cap. statuit dominus 3 8.

It is in free will and election of the defender, to fight, or to passet the knawledge of ane Assis. Lib.4. Cap.2. Quia defendens debet primo eligere deinde vadiare, co postea jurare.lib.4. ca lexstatuit 46.

The appealer or prover, suld sweare that his quarrell is just, & the de-

fender sweare the contrair, avowand the equitie of his cause. Iter. camer ender weare the contrain, avoid the equation to provok ane uther to battel, or being provoked to feght without licence of the King, utherwaies, baith the appealer, & the defender, tinis & forefaltis al their guds moveable, & immoveable. de Indic.e. 87. Because na Barrone hes power moveable, & immoveable. de Indic.6. 87. Becaule na Barrone hes power of fingular battell, or of probation be water, or Irone; except the Kingis Schireff, or his deputes, be prefent to fee justice done. flat. Alex. e. pratered 32. Mairover, gif ony man havand the Kings licence, happenis to be convict be battell, or of breaking of the Kings peace, he fall pay to the King xxij. Kye, & tres cathorios, vel pro quolibet cathorio, novem vaccas. Stat. Alex.s. apud. 28. Quhilk paine & unlaw, appearis to be ordained, to ftay fix ungodlie strife & dabate; for the law of singular combat is ungodlie, & suid hot be used amano Christianes. albeit the same was permitted & used her. not be used amang Christianes, albeit the same was permitted & used be the Longobardes, in civil and criminal causes. Altist de sing certam. Cuiac in Lib. fendorum. Quhilk is conforme to the Canon law, cab. 1.2 de buscas. rum. Quhilk is conforme to the Canon law. cap. 1.2. de purgat.

valger.

DYOUR, Dyvour, utherwaies Bair-man, quha being involved and drowned in debres, and not able to pay or fatisfic the same: For eschewing of prison and uther paines, makis cession and assignation of all his gudes and geare, in favoures of his creditoures: And dois his devour and dewtie to them, proclaimand himselfe Bair-man, and indigent, and becummand debt-bound to them, of all that he hes, Leg. burg. ca. Bair-man. 144. In Latine, cedere bonis, quhilk is most commonlie used amangst merchandes, to make Bauk-rout Baukrupt, or Baukrompue, Because the doer thereof, as it were breakis his bank, stall, or seate, quhair he used his Cedere bonis trafficous of before. de Iudic-c. Bairman 46. Be the civill law, sik cession of doer thereof, as it were breakis his bank, stall, or seate, quhair he used his trafficque of before. de Iudic-c. Bairman 46. Be the civill law, sik cession of gudes and geare may be maid judiciallie, or surth of judgement, be him quha is present, or absent, be writ or epistle, or be ane mid person, called Nuntius. I. us. de cession. Bot to the effect that debtoures suld be feared to deceive their creditoures, and suld the mair willinglie pay their debtes in sindrie places, diverse shamefull formes of dyvourie, ar used and observed: for sum-times the debtour naked, sittis upon ane cauld stane, in presence of the people. Alciatus lib. 3. Parerg. c. 47. Sumrimes his hinder partes, or hippes ar dashed to ane stane. Guido Papa. deciss. 343.

Or in publick place, bair headed, his belt is cutted, quhairby he is proclaimed indigent of geare and credite: And therefore may passe and repasse quhair he pleass, without ony trouble of his Creditoures.

Iuxia illus Horatii, Epistola secunda 28. Ibit ed quò vis, qui youam perdidit. Conforme to the quhilk, in this realme, he is said to have his belt cutted, Zonam perdore, quha hes na gold, silver, guds nor gear. For in auld times, like as it is zit used in diverse places, ilk man caried his silver and his gold in his belt, either in ane purse hanging at the end thereof, or sewed and inclos-

like as it is zit used in diverse places, ilk man caried his silver and his gold in his belt, either in ane purse hanging at the end thereof, or sewed and inclosed within the samin. Sueson. in Fisellio. cap. 16. Quid gona anreorum plena se circumdedis. Es Gracchus apud Gellium. Lib. 15. ca. 12. Zonas (inquis) quas plenas argenti extuli, eas ex provincia inanes retuli. And in the tenth chap. of Mat. and ninth verse: Christ commandis his Apostles nocht to possesse did in the contract of the aith quhilk be the Lawes of this Realme, the Dyvour suld make, conteins that he sall sweare, that he hes nocht in free geare, above five shillinges, soure pennies: Fra the quhilk cummis ane commoun speach dailie used amangst puir and indigent persons, quha hes nocht in gudes nor geare, the valure of sive shillings and ane plack. In the Law of Normandie. Lib. 2.c. 10. Lib. 12.c. 21. Dyvoures ar called Banqueroutieris. And it they do the samin fraudsullie, they may be punished to the death.

NACH. Lib. 4.c. flasuis dominus 64. Ane mendis or satisfaction for ane sault, crime, or trespasse. As gif the maister ly is with the wise of his bondman, or slave: The servand therefore salbe put to libertie, and sall receive na uther Euach, mendis, or satisfaction, for the violation or defowling of his wife. Lib. 2. c. pluribus 14. Like as utherwaies, strassfallus, cucurbitaveris dominum sum, That is, gif the vassfall makis his maister ane Cuckold: That is, gif the hescarnall copulation with his maisters wite, he timis and foresaultis his landes. lib. 1. de Feud. Tis. quib. mod. Feudum amitatus, \$2. Corbita, in the Lawes of the Longobardes, is adulterie: And Cucurbita signifies ane Cuckold, quhais wite is ane huire: quha utherwaies is called, arga. Gl. in. D. Sest. 2. From the Greek. argos desidio.

Arga. waies is called, arga. Gl. in. D. Sest. 2. From the Greek. argos desidio.

Arga. brioss, quha sittis idle, and payis nocht his debt. bot sufferis ane uther to woork his labour. Alciatus in tib. de singulari certam. c. 32. or in lib. problematum. Horatium sequatus Cucullum vocat.

ENCHESONE, the cause, occassion, or reason, quhairfore ony thing is dones. As quhen we say, that ane is condemned for Enchesone of thiest: That is be occassion or be reason of thiest, committed be him. Mod. sen.esc. 21. Or that the vassallis in the keiping of his Over-lorde, be Encheson of warde quonium attach. Cap. 51. And ane action or pley, may be advocate fra the Schiresse Courtes, to the Kingis Courte, for mony causes. Lib. 2. c. Dos autem 19, Quhilk in sindrie English buikes, is said for mony Enchesones. And Ed. 1. King of England. Westm., 1.c. 6.

Statuis and ordainis, that na-man salbe ane merchand, without ane reasonable Enchesone.

ENEYA. Pars hereditatis, ane French worde: for the first, chiese.

reasonable Enchesone.

ENEYA, Pars hereditaris, ane French worde : for the first, chiefe, and principall parte of the heritage, Leg. Forest. c. st. Hareditas 96. For in the French toung, and speciallie in the Law of Normandie, the eldest and first begotten sone, is called Vaisne, & in the Lawes of England Hen. 3 in stat. Marlebrig. Cap. 9. It is called Enitia part hareditatis. And likewise in ane uther place of the lawes of the samin King, Juse snice, quhilk in this Realme is the law of birth richt: In Latine, jus primogeniume, de quo De j Tiraquellus copiosò scripsii. Be the auld civill Law of this realme, there is na essentient of succession in the richt line ascendent. And therefore the father succeeds not as aire to his sonne: Except speciall provision be maid in

the contrar. Quia provisio hominis tollis provisionem legis. Es paela con-venta, legem contrabentibus prascribuns. Swa all succession, is either in the richt line descendent, or in the line collaterall.

De linea retta descendentium

They quits at of the richt line descedent, suld be preserted to all uthers: As the some, the dauchter, the nepuoy, the neipee, and sa descendand in infinitum: observeand and keipand alwaies the prerogative of the degree: For the Prior degree, excludis the posserior from all commoditie & title of succession: As the some in the first degree, excludis the nepuoy in the second; and the nepuoy excludis the pronepuoy in the third degree. Gif ony man havand landes and heretage deceasis, leaveand and some allanerlie behind him, without all distinction, the some succeedis to all and haill the heretage; quhilk is in Latine, succedere in assem, vel ex assets lib, 2, c, cam quis, 29.

lib. 2. c. cum quis. 29.

Gif ony man deceasis, and leavis behinde him man fonnes nor Gif ony man decealis, and leavis behinde him man fonnes nor ane, either he is foccommanns, and haldis not his lands be fervice of warde: and then his heretage is divided amangst all his sonnessor he is Miles, and haldis his landes per fervitism militare, be service of warde & relief. In the quality case, the eldest sonne succeedis in the hail lands; quhilk heretablic perreined to his father. Lib.2.c.Si quis plures 30- Bot this distinction is not observed be the practicque of this realme. Be the quality the eldest sonne succeedis to his sarber, ex asset, that is, to all and haill his fathers beretage and landes. Albeit, suddie uther Nationes hes diverse lawes bestearen. Like landes; Albeit, sindrie uther Nationes hes diverse lawes hereanent; Like as be the law of God, in the auld testament, amangst the Jewes, the first borne sonne, after the decease of his father, receivis double portion. Den. porne sonne, alter the decease of his father, receivis double portion. Deu. 21. 17. That is (as some interpretis) as meikle as twa of his brether. Ie-fephus de Antiq. Ind. li. 4. c. 8. writtis that the eldest sonne, be reason of his birth, fight. C. 14 hours Jaine South fephus de Antiq. Ind. li. 4. c. 8. writtis that the court found, the his birth-richt, fuld have daplicem facultatum paternarum partem, the double parte of his fathers gudes.

Gif ane man had diverse wives, quhairof ane is ane heretrix, havand lands perteinand to her heretable; and hes procreat upon ilk ane of them bairos, maillor femail; the sonne gotten upon her, succeedis to her heritage, lib-2.c. Si autem. 31. For as generallie the sonne succeedis to the father; Swa in this case, the sonne sulf succeed to his mother. Leg. Forest. c. Si quit habuerit 26. de Iudic. c. 24. Consorme to the commoun rule

c. Si quis habueris 26 de Iudic. c. 24. Conforme to the commoun rule of the law. Paserna paternis, materna maternis.

Quhen ony man deceasis, leavand ane son, and dauchters and or maa; The son allanerlie succeedis to all his fathers heretage. Li. 2. c. Maritus. 32. As gifane man hes procreat with his first wise, dauchter, ane, or maa, and after her decease, begettis ane sonne upon ane uther wise, the sonne onelie succeedis to him. Leg. Forest. c. Si quis habuerit 26. Because the Son borne of the first, second, or last wise, succeedis as universall aire to his father, and excludis all his sisters. De judic. c. Item nota. 115. As it is written in some buikes, samina non succedis cum maseulo.

Failzieing sonnes and bairnes, lauchfullie gotten of their bodies, the dauchter succeedis. For gif the defunct hes ane dauchter allanerlie, shee full succeedis to his Fathers heritage, in the forme and manner, as the sonne succeedis to his Fathers. De judic. Cap. Item nota. 115. Lib. 2. sap. Haredam, 28.

Harredma, 28.

ITEM, Gifane man deceasis, leavand behind him maa dauchters nor ane, gotten upon ane mother. his heritage suld be divided equallic amangs them, in als mony partes or portiones, as there is dauchters to succeede. Quhilk formeof succession is called, successio in capita, cum felicet haredisas adennda, dividitar in tot partes quot sunt capita, vel persona succedentes. Bot the eldest dauchter, suld bave the principall meffuage, without division, be reason of her dignitic, and birth-richt, and satisfaction therefore suld be maid to the remanent dauchters. Lib. 2-cap. Si nation therefore fund of main to the remainent dauchters. Lib. 2: eap. So mustern 31. De Iudie. 6. Item. Nota. 115, Togidder with the superioritie of the portiones, perteining to all her zounger sisters, to quhome their hulbandes suld make homage, acknowledgeing her to be their superiour, and their aires suld give the relieve of their landes, quhen it sall happen. Lib. 2. c. Maritus. 32

Gifane man have findrie wives, and of ilk wife, ane or man dauchters : All his dauchters succeedis to him in his heritage equallie, Per capita, as gif they were all gotten upon ane mother Libr. 2. e. porrò con-

as gif they were all gotten upon and increase upon findrie wives, of the qubilk wives. ane is ane heretrix: Swa that the heretage cummis be her, and not be her husband: The dauchter, or dauchters gotten upon her, fucceedis to her heritage, and excludes all the reft of the dauchters theirfra. Leg. Foreft. c. si quie babberit. 26. De Iud. cs. 24.

Be the Lawes of the Burrowes, gif an Burgeffe have maa wives not ane, and bairnes procreat of ilk ane of them: All the lands perteining to him, be reason of heretage, or conqueft, in the first marriage: And all the landes conqueft be him, the time of his first wife, full perteine to the bairne gotten with her, in the first marriage: And all the landes conqueft be him, the time of his fecond wife, fall perteine to the bairne gotten with her, in the fecond mariage. Leg. burg. c. Si Burgensis, 26.

genfis, 26.
Failzieing fonnes and dauchters, quhilkis are nearest and latichfull aires, the right of succession perteinis to the Nepwoy or Neipce, gotten upon the Sonne, or the dauchter. Quia descrientibus proximioribus baredibus, nempe

Sonne, or the Gauchter. Qua aepetentious proximiorious nareatous, mempe filio vel filia, vocantur haredes remotiores, ut Nepos vel Nepis ex filio, vel filia, refa linea de Jeendens. 1. 2. c. Haredum. 28.

Gif ony man deceasis, leavand behind him ane Nepuoy or Nepuoyes, ane or maa, procreat be his sonne alreadie deceased. (Ex filio pramortuo) they suld succeede to him in the samin manner, as is abone said, of the succeeded. cfion of fonnes: That is, gif there be ane Nepusy allanerlie, he is onelie niverfall fucceflour: And gif there be man Nepusyes, the eldeft allanerlie fucceedis to all. 1-2. c. Porra 33.

Gif ony man deceasis - leavand behind him ane Nepusy , begotten be

his eldest Sonne, alreadie deceased. And ane second sonne, quha is father brother to the said Nepuoy: The second sonne is excluded from all richt and commoditie of succession to his sather. Because the Nepuoy lauchfully begotten be the eldest sonne represents the persone of his sather, and therefore Jure representations succeeds in his sathers richt: and consequentlie is onelie aire to his Gud-schir: like as his sather wauld have been, gishe had not deceased before him. Lib. 2. t. Porro. 33:

The like is to be understood of ane Neipce, or Neipces, ane or maa, begotten be the eldest sonne alreadie deceased, quha suld be preferred to their filis. Sather brother, anent the succession of their Gud-schirs heritage: Except speciall provision of tailzie be maid in favoures of the aires maill. Quo cass beredes masculi succession dispositione juris, sed ex provisione hominis.

hominis.

ITEM, Ane Neipce or mai, of ane fonne or dauchter, fucceedis to their Gud-schir or Guddame, in the samin manner as their father or mother sudding they were ait living. Lib. 2 6. Porro. 33. And in this case it is to be observed, that quhen maa Nepces nor ane, borne of sudding mothers succeedis, that the heritage sudd be divided ratione stippis, in as mony partes, as there is stockess of quhom the saidis Neipces descendis and proceedis: As sorexample, gifthere be ane Neipce begotten upon ane dauchter, and twa Neipces begotten upon ane unter dauchter, they all three sudd succeede to their Gud-schir; bot the heritage sudd not be divided in three partes. ratione sapitum; bot in twa partes allanerlie, ratione slipium: That is, of the twa sisters quhilkis are the twa stockes, of quhom the saidis Neipces descendis: And swa the ane Neipce, gotten upon the ane sister, sudd have the ane halte: and the utber twa, the utber halse allanerlie of the heritage: Quhilk forme of succession, is called succession in stippes, quhen the bairnes being maa in number, succeedis to als meikle allanerlie, as wauld have perteined to their mother, gif schoe had been living. had been living.

De linea obliqua collateralium.

OUHEN the fuccession failzies in the richt line descendent, then they quha ar of the side line; or collateral suld succeed: as quhen the Defratribut sonces and dauchters, and all persones descendend of them lineallie, failzies: Swa that there is nane of them to succeed: Then the brother of him quha is deceased, suld succeede to him. Lib. 2. c. Descientibus. 34. Illi entim qui ex linea resta descendant semper praseruntur illis qui ex transpors linea proveniunt, or illis descientibus, hi ad successionem admitti debent lib. 2. c. Porro. 32. ent. lib. z. c. Porro. 33.

The heretage, and all moveable gudes perteining to the eldelt brother, Defrate national deceased without lauchfull aires of his bodie, perteinis to the second brother, immediatly nearest to him, Quia hareditas gradatim descendit ad diate proximum- lib. 2. c. Si ergo. 23. c. Preterea 25. Leg. Burg. c.

W. 150:

Gif there be three brether germain, borne of ane father, and ane mother; And the second brother deceasis without aires, procreat lauchfullie of his bodie: His elder brother succeeds to him in his landes, and immoveable gudes. And the younger or third brother is alluterlie excluded therefra. Quia conquestus gradatim ascendit-lib. 4- cap. Si tres 50. lib. 2.

Cap. Prattera 25, Bot be the practicuse of this realment he aire-schip of the control by sudes. Cap. Prateres 25. Bot be the practicque of this realme, the aire-fchip of the moveable gudes, perteining to the fecond brother, the time of his decease, descendis and perteinis to the younger; and third brother, as lauchfull aire: To quhome likewise perteinis the lauchfull tutorie of his said second brothers some, quhen it sall happen to fall.

Gif there be mad brether nor and three, or mad in number, and the youngest of all happen to decement of the without lauchfull aires, gotten of his bodie. His immediat elder brother succeedis to him as lauchfull aire: Because conquest ascendis fra ane degree to ane uther immediat-

aire: Because conquest ascendis fra ane degree to ane uther immediat-lie to the first degree. Stat: Rob: 3. Cap: 3: Stat: Wilhelm: Cap: No-

Failziand the brether, and their aires, gotten of their bodies, the fifter, or fifters, gifthere be man nor ane, succeedis in Capita, to their brother, in the samin manner, as the dauchters succeedis to their father. Lib. 2. 6.

in the samin manner, as the dauchters succeedis to their father. Lib. 2. e. descentibus 34. de Iudic. cap. Si quis 24.

Gif the brother deceasis without aires gotten of his bodie, his sull sister gotten with him be ane sather, and of one mother (quhis is called foror excludis all uther sisters, gif ony be gotten be his father, upon ane uther wife, quhis in Latine is called foror consanguinea, Lib. quart. Capite Si bomo 48.

After the decease of the sisters, their bairnes succeedis in sirpes, in the samin maner, as their mothers micht have done, keipand alwaies the distinction betuixt the maill and semaill, be the quhilk the sister sonne excludis the sister dauchter. Lib: 2. cap. descentibus 34. de judic. c. Si liberus. quis 24. Quid (ut distumess) mulier numquam cum masculo partem capit in bareditate aliqua.

Failzieing the sister balance and the state of the sister of th

in hareditate aliqua.

Failzieing the lister bairnes, and the aires gotten of their bodies, The De pairms of father brother (sounculus, boc est patrums) And his bairnes descen-jusque liberth, dand of him, succeedis. Lib: 2: Cap: Describus 34. De judic,

dand of him, succeedis. Lib: 2: Cap: Depicientous 34. De juais;

Failzieing the father brother, and the aires lauchfullie gotten of his bodie: The father fifter (Materiera, boc est Amita) and her bairnes jusque liberth; fuld succeede; conforme to the foresaid distinction, betwix maill and semaill. Lib-2. Capite Descriptions, trigesim, quart, de Iudicibus. Capite. Si quis 24. Be the qualik distinction, the father sister some, excludis the fathers sister dauchter.

It is to be diligentlie observed, qualet man persons nor ane (sik as mo-persons not neighbor) succeedis, and it happen on yane of them to decease cresentli; without aires auchsullie gotten of their awin bodies: the portion and part

and Defrattena

Defilio.

Defiliis.

Defilin di-versarum axerum.

Defilia.

De fliaber.

Succeffio in

De filiabe diver fare exorum.

Denepote &

part of the heretage qubilk perteined to the defunct, accrefcis to all them that remainis on line, and fuld be divided amangis them all. Lib. 2, c. Ma-

that remainis on lie, and fuld be divided amangis them all. Lib. 2, c. Marius. 32. de judic. Cap. Item nota. 115.

Laft of all, gif ony man gotten and borne in lauchfull mariage, deceafis without ane lauchfull aire. and it cannot be knawin, quha fulde fucceede to him: Or gif it be in question or doubt, quha is his richteous aire: Be the auld law of this realme, the King, or ony uther superiour, reteined the landes in his awin handes, untill the pley was ended, in favoures of the just aire: Or untill it was knawin, quha was the lauchfull aire. Lib. 2. Cap. ult. 53. Bot now, gif there be na lauchfull aire, to enter to the heritage: the King, as ultimus hares, recognoscis, and reteinis the samin as escheitte, ad perpetuam remanentiam, and may sell and dispone thereupon, at his pleasure, as his awin proper landes and heritage. vide Ba-stards.

ERECTARE Essonia ab aliquo fatta, to reckon, esteeme, or judge Essonies, or excusationes, maid be ony person. Quoniam attach. Cap.

ESSONIUM, an Effoinzie or excusation. Lib. 1. Cap. 10. Jam. 2. 13, Octob. p. 11. c. 55. Jam. 1. par. 9. c. 114. From the French worde Exein, quhairof mention is maid in the Lawes of Normandie. Lib. 9. Cap. 10. And be Molinaus in Stil. suprem. cur. part. 1. cap. 6. de contumacia, And be D.

The: Smith. lib. 2. cap. 14. of the commoun weill of England.

ESTOVERIUM, Iter Camer. Cap. Si quis captus 25. de Iudie. Cap.
136. Suftentation, Nurifhment: for the superiour, during the time of the warde, suld sustaine the aire honourablie. conforme to the quantitie of warde, full furtaine the airc holoadaine; comforme to the duantite of the heretage, Lib. 2.c. Plenam 42, Jam. 4 p. 3. cap. 25. Quhilk is conforme to the English Law in Magna Carta, quhair it is statute, That the warder fall give the airc his reasonable Estovucrie, Anno 9. Hen 3. c. 12. quhair also it is written, that the relict of ony man, fall have his reasonable estove-

rium, of the commoun gudes of her husbande that is deceafed, untill her dowrie be payed to her, Vid. Quarentena viduarum.

EVE Et Treve, dicuntur nativi de avo & triavo, quorum majores fervitutem servierunt: That is, sik slaves or servandes, quhais father, gudschir, grand-schir, and for-bears, hes been servandes to ony man, and his predecessources. Quoniam attrach. ca. de brevibus 31. vid. Bondagi-

EXITUS Terra, The rentes, fruites, and profites of the land, Lib. 2. Cap. Si quie liberum 24. lib:3:c: cum autem 6. quoniam attach. cap.fecus, 28. leg.
Forest.c: Probata 87 Exitus justitiaria. The profite or commodities of the
justice aire, Iter justic: c. 3, 4. Exitus curia, the commoditie and profite of
the court, sik as unlawes and summes of money, payed be them quha are
amerciat, or convict of ony crime, or comes in will therefore, as is manifest

amerciat, or convict of ony crime, or comes in will therefore, as is manifelt be the forme of the precept, direct be the Chalmerlane, to the Schireffe, to take up, and intromet with exitus camerariae, or the profites of the Chalmerlane aire. Exitus hareditatis de action cap. 1. is called the fruites, rentes, profites, and emoluments of the heretage, quhilk in the English law is called the issues of the heritage. Mag. Cart: Anno 51. Hen: 3: cap: 17. And siklike Exitus tenementi, signifies the mailles and dewties thereof, Quoniam attach, c: Secus 29: Moditen: cur: c: 30.

EXTENT of landes, signifies the rents, profites, and issues of the famin, quhairof there is twa kindes. The auld extent, and the new extent; For it appears, that the rentall and valour of landes, hes been taxed, and liquidat to ane certaine summe of silver, conforme to the profites and dewties, quhilk the landes payed at that time: Quhilk is called the auld and first extent, tempore pacis. Bot because the revenues and dewties of landes be progressed of time, did incresse and grow mair and mair: ane uther taxation and extent was maid in time of peace, as the former extent, conforme to the profites auguented, as said is; quhilk therefore is called the new, or second extent: And properlie is the verie availe that extent, conforme to the profites aug. anted, as faid is; quhilk therefore is called the new, or fecond extent: And properlie is the verie availe that the land is worth, and givis the daye of ferving of the brieve. Ja 3- p. 7. cap. 55. To the quhilk, the worde Nune, conteined in the brieve and retout, full be referred. For tempore belli, or in time of weire, there is no ordinar or certain extent of landespreferived be only law: for in fik time, either the lands are waff, and are not laboured; or the lands-lordes fervising proper performe. either the lands are waft, and are not laboured; or the lands-lordes servis in proper persone: And it is na reason, that they suld baith make personal service, and also pay extent or taxation. The lordes of the Session effects are marke land, of auld extent, to four marke land of new extent. 21. Mart. 1541. Quhilk commounlie is called, the fourth maill; and suld be generallie used in retouring of landes to the Kingis Chancellarie, and uthers Chappelles: Albeit the samin is nocht perpetuallie observed.

This distinction of the auld extent, and new extent, is needlar. Fortage. and uthers Chappelles: Albeit the famin is nocht perpetuallie observed.

This distinction of the auld extent, and new extent, is necessar; Fortaxation of landes are raised, conforme to the auld extent, and the relief of lands, is the retoured maill, according to the new extent. And fik-like, quhen landes are fallen in the superioures handes, be reason of none-entres, he suld have allanerlie, the retoured maill thereof, conforme to the new extent. vide None-entres.

FALSING of doomes, Reduction of decreess. vide Sok.
FARANDMAN. De Judic. c. 47. Ane stranger or Pilgrimer, to
quhome justice suld be done with all expedition; That his peregrination be not stayed or stopped. Peregrini mercatores, dicuntur Farandman. lib. 4. c. 30. in lib. sconensi.

FELONIA, fignifies nocht onelie the falled, or the contumacie of the vaffall toward his over-lord, or of the over-lord toward his vaffall. Bot alfo all and quhatsumever capitall crime in Latine, scelus, in Dutch, Schel-merie, or ony uther fault or trespasse. Iter Camer. c. Si quis captus 25. Stat: Alex: ca. 2: lib: 2: cap: ulsim. 34. As to hurt or assaultzie ony man, with fword, either edge or ure. Ja: 1: par: 6: c: 97. Or ony lesse or private crime, as suspirion of theist, or quhatsumever fraud, deceate, common-lie used in contractes, pactiones, and uther conventiones. Lib. 3. cap. cx cansa. 8. in fine. Cuia lib. 1. de fend. Writtis that fellonic is not enelie rebellion: bot also perfidie, fraud, or ony kinde of fault. perfidie, fraus,

reulpa, improbitas.

FEODUM, Feudum, fignifies nocht (as some affirmis) life-rent, in Latine, usus fructus. For he that is failed in the life-rent of landes, is nocht understand to be sailed in feodo, or in the see thereos; For the ane is different

derstand to be saised in feodo, or in the see thereof; For the abe is different from the uther. 7 Mars: 1561. The Counteste of Crawfard, contrair the Earle of Crawfard, And sik-like, Feodom signifies note the superioritie of landes. For gif only maried man happenis to decease, vest and saised in the superioritie of landes, his wife suld not have ane terce, or third thereof. But Feodom commonlie signifies the heretable tee, and propertie of only thing, and speciallie of lands, as is commonlie conteined in brieves and retoures. Cum aliquis diction obiffe sasten to vessions terris, ut de seodo. Lib: 3: Cap. Cum verò 28. c. sequens. 33. Stat: Rob: 3: cap: 1: Ot the quhilk landes, the just thrid, and reasonable terce, will perteine to the wise, for the time of her husbandes decease, induring her litetime. vid. Quarentena vidu. landes, the just thrid, and reasonable terce, will perteine to the wife, fra the time of her husbandes decease, induring her lifetime. vid. Quarentena viduar. Dom: feedi or feudi: Is called the Lord of the ground, or land: li: 2: c. Usurii 53. Quhair feedim or hereditat, ar baith anc, or hareditat damnati propter crimen, dicitur pertinere ad dominum feedi, tanquam eschetatiem, see condemnatus puerit de surte, rese ejus mobiles, or catalla solent vicecomiti remanere: Terram autem si quam habuerit, dominus seudi habebit. Lib: 2: ca: Forissalum 55. He is called utherwise, Dominus sundi. Lib: 2: c. Defunto: 69. Et seudum idem est quod sundus. lib: 2: cap. Mutua. 68. Addio seudi, is ane action or pley of landes or heretage. Lib: 1: cap. 2. Seedum militare, signifies landes halden be service of warde, and relief: Lib: 2: cap: Maritagium. 56. Feudum laicale, Is landes perteining to Laicks Reodum militare, fignifies landes halden be service of warde, and relief:

Lib: 2: cap: Maritagium. 56. Feudum laicale, Is landes perteining to Laicks and Temporall men. lib: 2: cap: 59. As feodum Ecclesiasticum, signifies, landes perteining to the Kirk, or Kirk-men. Lib: 3: cap: sequint 31. Cum feqq. Swa be the lawes of this Realme, all gudes and geare ar moveable, and called Catalla: Or immoveable, and ar called feodum, bareditas, terra, fundus, tenementum. Fee or propertie, in latin, dominium, cannot pertein to maa persons nor ane. Quia dominium unius rei uno codemque tempore non potest esse in solidam penes plures. And therefore, giftwa or maa persons happenis to be infest, conjunctitie in ony landes, the propertie perteinis to him in quhais aires and successours, the infestment resolvis. As for example, The husband and the wife ar insest in certeine landes, the langest liver of them twa, and the aires gotten. or to be gotten betuixt them, quhilk failzieing to his aires: In this case the husband is proprietar, and the wife is conjunct search, or liferentar. Bot gif it be said (quhilks sailzieing to her aires) In that case the wife is proprietar, and the husband is conjunct feare or liferentar. feare or liferentar.

Feedum, is taken for the fee, wage, or stipend, given to ane servand for his service, as in the Laws of K.Mal: Mak: c:4: de seed: offic: dom: reg: quhilk utherwaies is called liberatio, ane livery vid. Liberatio. Quhair anent the L of secreit Councel, and checker, made thir ordinances, as followes.

At Edinburgh the third of June, 1597.

FOr-fameikle as the Lords of his Majesties secreit Councel, and checker, Por-fameikle as the Lords of his Majesties secreit Councel, and checker, according to the special power and commission given to them be his hienesse, and his cstaites, quhilks converned at Dundie, in the moneth of Maij last by-past; Hes thocht meete and convenient, to set down the prices of his Majesties signet, privie and great sealles, of all infestments, and Prices, uther signatures, quhilks ordinarlie suld passe throw them: And of the scales, chalmer sees, quhilks is laber received hereaster, fra his hienesse lieges, in manner sollowing: That is to say; That the signet, according to the auncient custome, salbe the rule to the privie and greate seales, in all infestments, and uther signatures, quhilks ordinarlie suld passe throw the hail three: And that the privie seale, sall receive na mair, nor the double of the price, set downe hereaster: for the signet, nor the greate seale, mair nor the quadruple of the faid signettis price, under the paine of deprivation of the contravecners, for the office and seale, quhilk he possessis.

Prices set downe to the signet, for letters and uthers writtes, qubilkis passis throw na uther seale.

First, for all forts of fummondes of quhat-fum-ever qualitie. shillinges, viii pennies ning, baith inhibition, and arreistment. xi shilling viii d. For letters of law-borrowes, and uther criminal letters; how mony per-fones foever be infert.

yi shilling viii pen. For ministers letters zeirlie raised vi shilling viii pen. For all letters of horning of quhatfumever qualitie, except letters of law-borrowes, and criminall letters xxj shilling viii d. xxj shilling viij d. vj shillinges viij d. For an relaxation And gif maa nor ane be infert, the like price of everie persone to bee relaxed, or compositione for them, at the discretion of the keiper of the

Prices fet downe to the fignet, for fignatoures passing the privite and great feales.

fignet.

For ane Legitimation
For fignatoures of infeftmentes of landes, within five marke lande of auld vi shilling. viii pen. For ane remission to ane person onelie vi shilling. viii pen. And gif it be to maa nor ane, als mony halfe markes, as they ar per-fones, or composition therefore, at the discretion of the keiper of the ane infeftment of ane five marke land of auld extent xiii fhil. iiii d. And for fa mony maa marke landes, as the fignatoure conteinis proportionallie: Providing, that quhat ever be the extent of the

landes, the famin not being stiled ane barronnie, in the infestment the heichest price for the signer, fall not exceed l. shillings

For ane or maa barronnies of land, conteined in the signatour, quhilks are nocht unite in ane Earle-dome, nor Lord-schip, for the haile signatour iii poun

For halfe ane baronnie, fwa styled in the fignatour xxx shillings For ane Earl-dome, or ane Lord-schip of dignitie, having vote in parxxx fhillings liament, including never fa monie baronnies.

For ane comprising, quhilke exceeds nocht ane thousand markes. Vi findings viii pennies vij findings viii pennies vij findings viii pennies viii pennies that the heicheft price exceed nocht l. findlings For ane bischoprick, abbacie, or priorie, exceeding an thousand pounds of zeitly rent to the possession vi pounds. Being within a perhousing description.

of zeirly rent to the possetiour vi poundes vi poundes
Being within anethousand poundes
Nathing to be tane for reservations of life-rentes, conteined in the signatoures. In respect the reservation is na newe benefite to the receavers except quhair the resigner is a bastarde. In the quhilk caise, respecting his Majesties prejudice be the resignation: quha utherwise micht succeed to the landes resigned, be the present possession decease, without lauchfull aires: sik reservations sall pay according to the price before set downe for the landes resigned, comprand alwayes, the man and wife to be ane person. to be ane person.

Nathing to be tane hereafter for onie tailzies, except the forefaid price, according to the quantitie of the lande refigned, in respect the Fear may alter his tailzie at his pleasure, except quhair the Fear that resignis the lands is bastrate. In quhilke caife, the like price may be tane for every persone conteined in the tailzie, as it is set downe for the quantitie of the land resigned.

For insessing the lands or according to the quantitie and rate, before disponed, nor annexed to thay landes or according to the quantitie and rate, before set down, and the patronage gif it be of ane onelie benefice, the ane halfe of the duetie of the landes. Gif their be maa, to pay the said hail! price of the landes for the saides patronages. Quhilk price, the keeper of the signer sall not exceed. Sik-like for new and heritable offices.

Offices.

Prices set downe to his Hieness Privie seale, to be tane hereafter, of fik giftes and uther fignatours, qubilk paffis the faid feale allanerly.

For escheits of zeemen men, and uther mean persons xx shillings
For escheits of landed gentlemen and substantious burgesses xxx shill.
For escheits of Baronnes xl. shillings For escheits of Earles and Lordes iij pounds For their life-rents, respettive---For presentations to Vicarages -dowble pricexx fhillings For prefentations to Vicarages
For prefentations to Parfonages
For refpettes to zeamen men, and uther meane perfones
For refpettes to landed gentlemen, and fubfitantious burgeffes
XXX fhillings
For refpettes to Baronnes
For refpettes to Baronnes
For refpettes to Earles and Lordes
And gif there be ma perfons conteined in the fignature, to pay per capita, according to their rankes
For the wardes and marriages, non-entreffes and relieves of landed men, under Baronnes, included in ane figuatour
For the wardes, mariages, non-entreffes, and relieves of Barons
For the like of Earles and Lordes
For the warde lane of gentlemen

Xx poundes
Xx fullings
I. fillings
II f

x. poundes xxx shillings iij poundes For the warde allans of gentlemen Of Baronnes v. poundes xxx shillings iij poundes v. poundes xx shillings Of Earles and Lordes For the mariage allane of simple gentlemen Of Barrones Of Earles and Lordes For the non-entreffes allane of meane landed men xl fhillings iii poundes xxx fhillings Of Baronnes Of Earles and Lordes For giftes of prebendaries or chaplanaries xxx fhillin For tutories

For the multitude of denuntiations included in ane fignatour of ef-ceitte, or life-rent, na payment, but for the gift only. In respect they cheitte, or life-rent, na payment, but for the gift only. can import but ane gift of escheit allanerly.

For presentations to prelacies, legitimations, signators of infestments of Baronnies, and uther landes, remissions, and sik uther writtes, as passis first baronnes, and unter landes, reminions, and the unter writtes, as paths first the figner. The keeper of the privie scale, fall take for them allanerlie, the double of the price, quhilk lik ane of them payed to the signer.

In tailzies, reservations, patronages, heritable offices, erections in free Burrowes and skilike, to take payment, according to the order and pro-

Anent the Chalmer-fees.

IT is ordained, That na fignatoures hereafter, fall pay Chalmer-fee, ex-cept refignations, and confirmations, irredemable allanerly: and of fik landes as are neither of his Majesties property, nor temporality annexed, quhilks are declared to be free of all fik fees, in time cumming.

Prices fet downe to the great feale.

THat the keeper of the great scale, exceede not the quadruple of the signer, or double of the privile scale, under the foresaid paine.

That to this effect the keiper of the fignet, fall upon the back-fide of the prent of the figner, fet downe the price quhilk he receives for everie precept, and for all uthers letters after his name. Likewaies the keiper of the prievie feale, his price for precepts, and uther letters after per fignaturam: that theirby the keiper of the greate feale, pretend na occasion of ignorance. Sik-like that the faid keiper of the greate feale, fet down his price in the fore-face of everietag, quhairunto the faid feale falbe appended. And that theirafter their be na drink filver exacted fra the partie, uther nor he will be contente to give at his pleasure and differetion. And ordains ane herauld, maisser, or uther officiar of armes, to passe to the mercat Croce of the said burgh of Edinburgh, and their be open proclamation mak publication, and intimation of the premisses to all and sindrie his Hienes lieges, quhairthrow nane pretend ignorance theiros. As alswa, to command and charge the keipers of the signet, privie, and greate seales, Ischers of his Hienes chalmer, and all uthers quhome it effeits, to conforme themselves to the will and direction of the saides commissioners, signified to them in manner foresaid: and on nawaies tak upon conforme themselves to the will and direction of the laides communioners, fignified to them in manner forefaid: and on nawaies tak upon hand to alter or contravene the fame in onic point hereafter, as they and ilke ane of them will answer to his majestic, upon their obedience at their uttermost charge and perrel, and under the pain of deprivation of them fra their offices, certificing them and they failzie, that they salbe deprived fra their faides offices, and utherwaies punished in their persones as efficient

Apud Edinburgh quarto Junij, Anno 1597.

He Lords of fecreit Councell and Checker, following the commission given to them be his Hienes and his Estaites, laitlie conveened a given to them be his Hienes and his Estaites, laitlie conveened at Dundie, anent the ordour taking with the exorbitant prices of all forts of writes and letters, usuall amang the lieges, and likewaies of the scales, registers and chalmer sie, quhilk a greate number of the same mon passe, procuring daylic baith private grudges and publick exclamations against the tolerance and with gang, given to sik shamefull extorsion & abuse, highlie to his Majesties dishonour and offense, and to the manifest undoing of the puire anis of this Realme, constrayned to have adoe with the saides writes: Have for remeid of that abuse, decerned and ordaned in time comming, and quhill a mair particular and folide ordour may be taken theirin. That all and quartsoever Clerkes of session, Justice, secret Councell and checker, Clerkes to quhatsoever Commissar, Admiraller, Schiressis, Stewartes, Baillies of regalitie, and royaltie, Provestes and Baillies of quhat-sum-ever his Hienes burrowes, and of all uther courtes of Judgementes within this Realme, all writers to the signet, privie & great Judgementes within this Realme, all writers to the figure, privie & great feales, all keipers of quhatfoever rolles. Registers and recordes, all publick notares, and uthers writers quhatfoever, quha fall hereafter register and inroll, torme, extract, writ, or give out for payment, to ony of his Hienes leiges, ony fignatour, contract, obligation, decreet, act or ordinance of ane courte or judgement, chartour, failing, or uther evident, billes, letters, or uther writtes quhatfum-ever of any importance to the receiver: Sall subscrive with their handes the said writ, and subjoyne to their names, the just and ordinar price; quhilk they receive fra the partie for their paines. To be a restimonic of their discretion, in valueing of their travelles taken in the saids writtes, and to give surther licht to the saids I ords, outhat constant prices they may be upon the like in time to faids Lords, quhat constant prices they may fet upon the like in time to come, under the paine of deprivation from their offices, and punishment of their persones at his Hienes further pleasure, incaise of failzie. And ordainis letters to be directe, To make publication of the premisses to all and sindric his Hienes lieges, quhairthrowe nane pretende ignorance

thereof.

FERCOSTA, ane Italian worde: Ane kinde of schippe or little
Boate. In ane priviledge granted to the Burgh of Dandie, for reparation and bigging of their Porre and Haven be King James the second, in the zeir of God, an thousand four hundred, fifty aucht zeires, and of his reign, the twentie twa zeire: Mention is maid of ane Fercoff, quhilk is inferiour in birth and quantitie to an (chip, becaufe the imposte and taxation laid upon ilke (chip is ten (chillings, and upon the Fercoff, twelve pennies, and of everie Crear, busch, barge, and ballinger, five schilling, and ilke great boat fix pennies.

FERDINGMANNUS, ane Durch word, ane penni-maifter, or The-

urar. Stat. gild. c. 5. FIDELITIE, maid to superiours, and over-lords. vid. Homagium. FINIS, finance, or composition maid with theeves. Status. 2. Robert Bruyse. Item 9. In the qubilk place, it is called rachesum, or this boat. Find curie, ane composition quhilk onle man gives in ane court, sik as the justice aire, to the King, In registro 28. December, ane thousande, sive hundred fourty ane zeirs, the Thesaurar contrar the burgh of Perth. Finem saccere cum rege: to fine with the King: Or to make ane finance, and satisfie cap. 2. lib.4, cap. 3.c. si vir.16. or sinem reddere regi, to pay an sine or composition to the King for ane crime, sik as thist-boat. St. 2. Ro. Br. c. item or disat. 9. Finem facere cum molendinario de multura, To agree and componed with the millar for the multer. Statu. Wilh. cap. item statute quod des

FIRMARIUS, ane mail-payer, ane mailer, or mail-man leg, burg. c. fl firmarius 56. quo. attach.c. nullus 26. Firma fignifies the dutie qubilk the tennent paies to the landic-lord, quhidder it be filver-maill, victuall, or uther ductie. In flatusis gild. c. 48. In the qubilk fignification, it is commonly used in the French lawes.

FORENSIS, from the French word Foraine. In the burrow-lawes of this realized for the property of the payer.

of this realme, lignifies ane un-free-man, quha dwellis not within burgh, or out-dwelland man. And therefore is called rure manent, quha dwelland aland-ward, hes na priviledge, or immunitie within Burgh. Rure made Commonlie all strangers are called Forinfect, or foreines; uther-waies nem,

forinfesum.

Sylva

Parcus

Infala.

ndvene. Quhair-anent it is flature, that na burges dwelland in burgh, fall harbourie onie strange man in his house, langer nor ane nicht, without borrowes, & caution. leg. burg. Cap. nullus in burgo 88. quoniam attach.
Cap. nulli 47. servitiam forinsecum signifies siste service as the vassall, or tennent, suld due to his over-lord and maister, fra hame, or in time of tennent, suld doe to his over-lord and maister, sra hame, or in time of weir-faire. In England they quha are nocht borne English-men, are called alienes: Quha injoyes nocht libertie within the realme, except they be Denized, quhilk word appeares to be driven a Danis, quasi danisatus, that is maid lauchfull and free, as onie Danes-man was, quhen the Danes did occupie and possesses are greate parte of that Realme. And in France they are called ambani, or albini, quasi alibi nati, strangers, nocht borne within the Realme of France, quha therefore deceaseand in France, without lauchful succession of their bodies, hes na power to make restament. For their gudes and geare, are nocht given to their aires, or successoures, bot are consiscat to the Kingis use, be the law quhilk is named, Albinage, ins albinagij. Chessam, in coussettad. Burgund, Rubric. 21. § verb. des consiscationi. Nu. 37. in the actes of Parliamente Marie p. 8, Cap. 66. it is called droist d'Aubeyne.

FORESTARIUS, ane forester, or keiper of woodes, to quhom be reason of his office, perteinis the bark and the hewen branches. And quhen he rides throw the forrest, hee maie take ane tree als heich as his quhen he rides throw the forrest, hee maie take ane tree als heich as his awin head. leg. forest. Ca 10. Foresta, is called ane large wood, without dyke or closure, quhilk hes na water. Sylva is ane wood neare adjacent to ane flude of water: bot quhen the samin is inclosed with dike or hedginges, is called ane parke, Chessa. in consuetud. Burgund. Tit. des sorests 13. in prin. per.gl in.c. cum dilecti. de donationib. Felin in c. Rodol ph, extr. de rescript. Nu. 21. Quhair foresta, is called a place quhairin are included mylde beastes and quhair some hes libertie of hunting. Bot quhair their is ane slude of water, it is Sylva. And beand circled about and environed with watters. water, it is Sylva. And beand circled about and environed with watters Insula. And inclosed with dikes or hedginges, parcus Ia. Andriin. d. Cap-disetti. Inseodatus in liberam forestam, insett in free Forrest, hes power to hunt, halk, and cutte trees, quhilk we call potestatem venandi, aucupandi, or secandi. quhilk libertie na person maie use bot be speciall licence granted to him. vid Varenna vid. Venison. vid. Werd.

FORISFACTUM, ane unlaw, quhilk utherwaies is called amerciamentum. lib. 1.c. dos autem 19. Stat. Alex. c.fi quis conquestus. 9-lib. 4.c. 3. leg. burg.c. forissatum 42. vid. Amerciamentum: It is taken for fornica committed be ane woman being ane aire senaill within waird, ut cum formina dicitur sovissacere de corpore suo, to forfait, r abuse hir bodie. vi.

committed be ane woman being ane aire semaill within waird, ut cum farmina dicitur forissacre de corpore suo, to sos fair, c abuse hir bodie. vi.

Putagium. Item it signifies quhatsumever fault, trespasse, and crime, and is called foresault in the Actes of parliament. Iam. 2.2. August. c.6. And quhair it is written pro vno sorissacto non debet esse instrumamentum. leg. burg. c. de uno. 3. In ane vther place it is said, pro vno delicto, non debet esse esse is suisse unifericordia. Ass. reg. Da. C. ad hoc 28. That is for ane sault their suld be bot ane value. And in the English Lawes, Hen. 3. in ane fault their suld be bot ane vnlaw. And in the English Lawes, Hen. 3: in carta de forest, c. 15, all outlawes for the Kingis forestes, sall returne to his peace, and sall find to him sure pledges, that they sall nocht do onie forefault, or wrang in his forestes. Foris attum pleanarium regis, may be extended to the deth, as plenaria justicia, quhilk suld be execute upon him quha stops the seuthhound, in persewing of theeves and thieft, lib. 4-c, or stages, 33. And it is statute that nane sall stop the Kingis burgesses to bye and sell freelie throw-out all the partes of the Realme. Super plenum foris factum regis, leg, burg., siburgenses, 141. vel super plenariam foris satura, lib, 4, c. Statutum, 38. Stat. Wilh.c. Item status. 13. conforme to the quhilk constitution, he quha troublis or molestis merchandes dwelling within burgh, to use their treedome and priviledges, may be accused as an oppressiour of the Kingis lieges. Ia. 5 p.4-c.26.

four of the Kingis lieges. 1a. 5 p.4-c. 26.

FORISFAMILIARI, forisfamiliat, put furth of his fathers house, or maid free, and delivered furth of the fatherlie power, the fonne is called to be forisfamiliat be the father, quhen he with his awin consent and gud will, receivis from his father onic landes: and is put in possession theirof, before his fathers decease. lib, 2xc, porro, 3 a, and is content and satisfied theirwith. Swa that he nor his aires maie nocht claime or crave onie mair of his fathers heritage. de Judicibus. capit. Item nota, 115.

FORESTALLERS, vid, Regraters.

FORTALITIUM Ia, 2:p, 3, 6:3, Stat. 2. Rob. Br, c, Item ordinatum

3. Ane fortalice, ane Caftell, and properlic ane house or Towre qubilk
hes ane batelment an barmekin, or ane fow sie about it 7, Feb, 1:66. Lord

eg contrair Iames Roße.

Fleming contrait Iames Kojse.

FORTHOCHT fillony, precogitata malitia, quhilk is don & committed wittinglie and willinglie, after deliberation and fet purpose, and is different from chaudmelle quia ut seribit Cicero.l. 1. ossi: in omni injusticia, permultum interest virum perturbatione aliqua animi, qua plarunque brevis est, or ad tempus: an consultò or cogitatò stat injuria. Leviora enim sunt ea, qua repentino aliquo motu accidunt, quàm ea qua meditata or praparata in-

FOSSA ane pit, or fowsie. Furca, an gallous, in Latine cabalum, quhilk was first institute and granted be King Malcolme, quha gave power to the Barronesto have ane pit, quhairin wemen condemned for thiest suld be drowned, and ane gallous quhairupon men thieves, and trespassoures suld be hanged, conforme to the doome given in the Barron Courte thereanent bestor Boesius. I. 12. Erestio surcarum est meri imperij, et alta justicia, et significat dominium aeris, quia sus suls suls entre in aere. O merum imperium conssisti in quatuor, sicut suns austrium entre in aere, ot bi qui sus pendando quis coburitur propter malessium. In aqua, quando quis ponitur in culco o in mare prositetiur, ve parricida: vel in amnem immergitur, ut samina surti damnata. In terra, cum quis, decapitatur o in terram prosternitur. Chessa in consuetus. Burgund. Rubric: 1. §. 1. verb au terrisoire. Nu. 14. O rubric: 1. §. 8. Nu. 2. porrò jurisdistio dicitur notio, qua juri magistratus competis. Mistum imperium, est posessa qua jurissississi inesse. Mistum imperium, est posessa qua jurissississi inesse. Mistum imperium, est posessa qua jurissississi inesse more imperium est ju gladij, vel alicuius gravi-

oris coercitionis nominatim lege concessium. Cuia. 1.4 de. fend. tit. 19.

FRIEBORGH, liber plegius, vel sideinssor, quem Galli francum plegium vocant. In the auld Britton lawes, Bopher vel Bores, is that quhilk we call borrows borgh, or cautioner. And Aluredus King of England, divided England in farrapias, centurias, or decurias, as fall be declared in the worde Schiref: and ordained that decuria, fuld comprehend ten persones, and centuria suld contein 100 persones, quhairot ilk ane was cautioner and sovertie for uthers: in sik sort that the haill number, and ilk ane of them, the hail subset of onic and of them. answerable for the fault and deede of onie ane of them, & swa was

was aniwerable for the fault and deede of one and of them, & Iwa was called free-borgh, free pledge, or cautioner, vide antiquas leges Brittonium.

FURCHE, ane word, quhairol I find na mention in the written lawes of this Realme, nor of onic uther cuntrie: And zit is used in the forme and ordour of the Chancellarie, from furca, ane forke. For quhen onic person is served and retoured narrest, and lauchfull aire to onic of his predecessors, of ony lands halden in chiefe, of ony uther superior then the King: The directour of the Chancellarie, causis his Clerkes direct to the dissense of the chiefe of the chiefe of the college of the chiefe o his predecessors, of ony lands halden in chiefe, of ony uther superior then the King: The directour of the Chancellarie, caustis his Glerkesdirect to the said superiour three preceptes, commanding him to give saising to the person retoured, of all and sindrie the landes, conteined in the retour, he doing therefore to his superiour, all quhilk he aucht to do of the Law. Of the quhilk preceptes the second is called Meminimus a forma werborum qua praceptum concipitur. For the precept bearis that the King Memoria superior s quhat caufe I knaw nocht certainlie: Bot ilke as ane fork nestwa graines, this precept hes ane alternative command of twa parts, for the King command is the superiour to give saising, or else he certifies him, he wil command the Schireste to give the samin. Itaque hoc praceptum est surcetam, welbisurcatum, in eadem significatione, qua barba bisurcata, quhilk is divided in twa taits or parts. And in French surche, is called cloven sutted, or

Alenes, lib.4.c. ff. quis. 37.c. flatuir. 66. Ane kind of mendis, affithment, or fatisfaction for flauchter. Of the quhilk word I finde na mention in onie uther place, or law of uther cuntries.

GANGIATORES, Iter. camer.c. gangiatores. 14. fignifics them quha fuld mark the claith, breade, or barrelles before they be fauld with the

mark of their office : or tryis or examinatis all measures, & weichts, baith dry and weete, for the French Lage, is that qubilk we call jug, met or mea-

GARBA fagittarum, ane schaife of arrowes, conteining 24. utherwales

called schaffa aggittarum, Stat. 2. Rob Br. c. ordinatum est. 27.
GARCIFER and French word And Garson, an servand quba servis

in the myln, ane myln-knave. leg. burg.c. quieunque. 64.

GILDA, ane societie and companie of merchandes. For in the auld
Britton lawes, gilder signifies the ordour or societie of religious men, or

of craftel-men. Vide antiquas leges Bristonum, verbo Consubernales.

GIRTHOLL, girth, fanctuarie, in latin, afylum, af. reg. Da-c. fi quis in aliquo.27. Afylum is driven from the greeke, a, particula privativa, et Silao, h.e. trabo.gl. in.l. fi quis. 17. ff. de adilis, edi & Because it is not leasum to draw furth onic person surth of the girth. Luhairanent sindrie actes of Parliament are maid, conforme to the law of God. Exod. 21. 13. 10 shua. 22.

GLEBA, ane gleibe, given and granted to Kirk-men and Ministers of

GVERRA, lib. 2.c. funt quidam. 72. Stat. 1. Rob. Br.c. 17. Stat. 2.Ro. Br.c. ordinatum est. 27. Utherwaies called Verra, battel, weir, and signifies nocht onlie publict weire and hostilitie, quhilk is proclaimed and defies nocht onlie publict weire and hoftilitie, quhilk is proclaimed and denunced be the lauchfull authoritie of the Prince: Bot also private deadlie feede. quhen onie particular person wauld revenge onie privat injurie, done to him. For it is statute be K. David the second, quod nullus de extero moveat guerram contra vicinos suos quos cunque, sub pana plenaria forissatura, 6. Novemb. 13 57. Mention is maid of courtes of Guerra, 12, 3, p, 8, c, 69, quhilkis were halden be schirestes, Stewards, Baillies, and uther Officiars. Bot quhat was the speciall jurissicition belangand thereto, I know nocht; and findis na mention theiros in onie where part of the lawse knaw nocht : and findis na mention theirof in onie uther part of the lawes of this Realme, alwaies as it appearis that they wer halden be the ordinar judges forefaides, anent strife, debates, crimes and trespasses committed betuixt familiar and domestik persons, subject to ane maister, within the betuixt familiar and domestik persons, subject to ane maister, within the jurisdiction of the saides judges conforme to the lawes of the sewes in 5. ult. de pace tenend. In 2. de send. Si minisseriales alicujus domin. inser se Guerram habuerint: comes sive judex, in cujus regimine eam secritut, per leges & judicia, ex ratione prosequatur. Quhilk forme of courtes being particular justice courtes, was prejudicial to the jurisdiction of the justice and his deputes, and grievous to the lieges of this Realme, and theirsore are discharged be King James the third, in the place foresaide.

GYSARUM, ane hand axe. Leg. Forest. Cap. sciendum est. 67. quhait it is statute and ordalned, that all men of the age, betwixt sextic, and sexteene, sall have armour, conforme to the quantitie, and the valour of their landes, and moveable gudes, that is, he quha hes sisteme pounde lande, or fourtie markes in moveables, sall have ane horse, ane habergeon, ane bonner of iron, ane sword and ane dagger. And he quha hes

on, ane bonnet of iron, ane fword and ane dagger. And he quha hes fourtie schilling land, or abone, within ane bundreth shilling land, fall have ane bow, arrowes, dagger and knife. And he quha hes selfie then source shilling lande, fall have Gysarum, quhilk is called ane hand axe, ane bow, and arrowes. And all uthers quha suld, or may have armour, fall have ane bow and arrowes.

Forufalla-

HAIMSUKEN, lib. 4. c. raptus, 9. in fine, quo attach. c. de catero. 48. Stat. Wil. c. Items. stat. 9. Ane Dutch word. For Haim signifies an ryfing and lying. As we fay, ane man is and quhair he hes his winning, ryfing and lying. As we fay, ane man is at hame, or nocht at hame. In the quhilk fignification Cuningbame, is called the Kingis house or hame, speciallie quhen the Kinges of this Realme, quha of before did dwell in the lles, came to the maine land to dwell, and remaine in Doundonald, and wher places. Suchen in the Germane toung, fignifies to feike, or fearch, perfew, or follow, as quhen ane gives up kindnes to ane uther, he fayes. Harr, barr, leb pol euch fuchen, fwa hame-fuchen, or hame-fucken, is quhen onie per-

Ish wol euch suchen, swa hame-suchen, or hame-sucken, is quhen onie person violentlie, without licence, and contrair the Kinges peace, enters within an mans hous, or teiks him at the same, or assailing of wemen.

quo. attaeb. c. si quis aliquem. 50, Stat. Wish. c. Item stat. 10. quhilk is esteemed an greate crime contrair the common weill-quietnes, and peace of
the cuntrie, quia unicuique domus sua est cui si just vocat, quod verum esse in causa civili, non autem in criminali, notatur in gl. ibidem, quid
stit domus. viol. 1. sf. de agnoscend. liber.

HAW BERT, there is soure maners of halding of landes outwith
Burgh, Sum landes are halden be the Rirk nomine pure electnos ying. & paics
nothing bot devota animarum suffragia, as was used in the time of blindnesand papistrie: uther are halden in sew, or sew-serme of the King,
Kirk, Barrones, or uthers, quhilk is payes ane certaine dewtie called fendifirma, sew-serme: uther are halden blenche, be payment of ane pennie, an
rosse, ane paire of guilt spurres, or sum uther dewte quhen it is asked, in
name of blenche, or nomine albassima: uther landes are halden be service
of warde and relieve. and the aire heirof beand minor, is in the gairde, that
is wairde, custodie, and keiping of his superiour, with all his saides landes,
and controlled the service of the surrey services of beand Matis wairde, cuffodie, and keiping of his superiour, with all his saides landes, until he be majorand of perfite age. And siklike his marriage beand Major or minor, and nocht maried before the decease of his predecessour; perteinis to his superiour, vid. Varda. Landes halden in this last formand maner, are called feodum de Hauberk, or Haubert, or feodum mili and maner, are called feodum de Hauberk, or Haubert, or feodum militare, de maritag. c. diversa. 7 ass. Teg. Da c. statutum suit. 32. Or seodum Hauberticum, or feodum loricatum. Because it is given upon condition, that the vassall possession theiro, fall cum to the hoist and armie, with Iak, and armes: for lorica a loro, signifies ane abulzement maid of cordes, and Haubert, signifies ane kind of armour, maid of mailzies, or circles like ringes, called an Haubergion, conform to the common proverb, manie mailzies makis an Haubergion, monie littles makis an meikle. Of the manner of tenures in the English lawes read Litleton, and in the Normand lawe. lib. c. 2. cum sea.

Of the maner of tenures in the English lawes read Listeron, and in the Normand lawe-lib. 5 c. 3 cum feqq.

HAIMHALDARE, vindicare, actione reali repetere, to repeit & fecke reflitution of proper gudes and geare, and bring the famin hame againe, quo. attach. c. 4. as lauchfull and baimbald cattell mod-ten-cur. c. 13 and baimbald lint, or baimbald hemp, is that quhilk growis at haime, within this realme, & is opponed to lint, and hempe quhilk is inbrocht furth of uther cuntries. baimbaldatio catallorum, is quhen onie man feikis reflitution to be maid to him of his awin guds and geare, wrangoully taken fra him, quhairof frequent mention is maid in the auld lawes of this Realme. And he guha feikis the faid reflitution fulld (weare in this maner, ane buike bequantor frequent mention is main in the audi awas of this scaline. And he quha seikis the said restitution, suld sweare in this maner; ane buike beand put within the horstes, or upon the fore-head of the beast, that is clamed before twa lauchfull witnes, that the said cattell acclaimed be him did wander away from him, and that the samin was nocht given, sauld, or onie maner of way annalied be him to onie kind of person. vid. Catalla.

HARA borcorum, vid. Cresser.

ifchulde.

HARA porcorum. vid. Creffera. HERREZELDA, is the best aucht, ox, kow, or uther beast quhilk HERREZELDA, is the best aucht, ox, kow, or uther beast quhilk sine husband man possession of the aucht pairt of ane dauach of land: (foure oxen gang) dwelland and deceasand theirupon, hes in his possession, the time of his decease, quhilk aucht and suld be given to his Landiflord, or maister of the said land. lib. 4.e. si quis. 22.us. reg. Da.c. si quis. 41. for Herr in dutch, in latine berits, dominus, signifies ane lord, or maister, and zeild is called ane gift, tribute, or taxation, as in the auld actes of parliament maid be King James the first, it is written, that ane zeilde was gaddered, for the reliese of him out of England. And ane uther zeilde, was ment maid be King James the first, it is written, that ane zeilde was gaddered, for the reliefe of him out of England. And ane uther zeilde, was collected, for refisting the rebelles in the North. Swa Herrezelda, is ane gift given be onie man to his maister and Lord, quhilk suld be his best aucht 17. October. 1470. Quhilk is conforme to the aulde lawes. It. 2. c. tenentur 35. quhair ilk person makand his testament, suld recognosce, and acknawledge his maister with the best thing he hes. Swa it is manifest that the Herrezelde is given, be reason of the tennents deceis to his maister, as ane gift, for acknawledging, and honouring of him, and therefore in the civill law is called, laudenium, a laudando domins. Item in the auld Saxon, and Dutch language Herr, is ane hoist, armie, or weirfare. Swa (as the civill law is called, laudemium, a laudando domino. Item in the auld Saxon, and Dutch language Herr, is ane hoift, armie, or weirfare. Swa (as fum thinkis) Herrezelda, lignifics that quhilk is given to the Lord, or maifler passing to the hoift, or he reason of weithing to the lord, or maifler paffing to the hoift, or be reason of weirfaire. For fik small husbandmen having onely foure Oxen-gang of land, and thereby, be reason of their povertie, nocht able to passet weirfare in proper person, suld help their master, passand fordward their unto: like as Herischulda, is the paine of him quha obeyis not the proclamation maid for weirfare, for febuld is debitum or debt, and beribannum is ane charge or proclamation d for weirfare. Curia lib. 1. de feud.

maid for weirsare. Curia lib. 1. de feud.

HILDA, terre, Hida terre, an pleuch of land. vid. Carrucata.

HOMAGIUM, dicitur quando aliquis promititt se esse hominem alicajus dominis. Es sare hot facit homagium, id est promissionem, ut sit suus homo. Vel homagium dicitur sidelitas hominis, pro rebus temporatibus sacta domino. Chessan. in consuetud.

Burgund. rubric. 3. §, 1. verb. des seeds. O in §, 3. nu. 3. It is a band of man-rent, quhen onic person promiss to serve ane uther, in sik sort,

that he fall be friend to all his friends, and foe to all his foes, against all deadlie. Lib. 2 e pradictis. 60 le. Forefi. c. quando 60. It is therefore called hominium, and fuld be maid be the vaffall being minor, or major, to his over-lorde. Lib. 2. d. Cap. 60. And the famin being maide generally, with-out exception of any man, is called homagiam cam ligeantia factumid. Ligeantia, homage differentiamid Ligeantia, homage differentiamid. tie. lib. 2 c. predidis. 60. Because homage oneernis service specially in weirfaire, to the quhilk weemen are nocht subject. And likewaies consecrat bishops, makis onelie sidelitiefor their landes, and barronies, lib. 2. e. fieri. 61. In this forme, I fall be leill and trew, to zow my liege Lord, and fchir N. King of Scotland, and fall nocht heare zour skaith, nor fee it, Forme of the contract of the contrac but I fall let it at my power, and warne zom theirof, zour Councell con-ceill, and heill; that ze (chaw me: The best counsell that I can to give zow, when ze charge me in verbo Dei, and as help me God, and the halie Evan-gell. The second difference is be reason of the forme and maner, for he that makes sealtie, kneilis nocht on his kneis, Bot be that makes homage that makes fealtie, kneilis norht on his kneis. Bot he that makes homage kneilis down: utherwaies the forme of homage maid be barrones to the King, and the forme of fidelitie maid be them to the King, are nocht far different, for the forme of homage maid be them is this: I become zour man my liege King in land, lith, life and lim, warldhehonour, homage, fealtie and lawtie, againft all that live and die. Zour counfell conceiland that ze schaw me: The best counsell schawand, git ze charge me: zour skaith and dishonour not to hear or see, bot I fall let it at all my gudlie power, and warne zow theirof. Swahelp me God. The forme of fidelitie maid be the barrones to the King is this, I fall be leill and trew, to zow my liege lord, Sir. N. King of Scotland. I fall never see zour skaith, not bear it, bot I fall let it at my power, and warne zow theirof. Zour my liege lord, Sir. N. King of Scotland. I sall never see zour skaith, nor hear it, bot I sall let it at my power, and waine zow theiros. Zour counsell schawin to me, I sall conceill: the best counseil can, I sall give zow, quhen ze charge me theirwith, sa help me God. Finnt auten Homagia de terris tenements iliber is tantummodo of servicis: de redditions affignatis in denariis, or aliis rebus, Pro solo vero domino, non solet seri bomagiam excepto domino principi, lib. 2. c. sinnt. 66. Ita hic locus corruptus or difficilis legi debet. Concerning the exposition of the quhilk it is to wit, that all homage is maid to the over-lord and master, quhairos sum et mais chiefe and principall, sik as the King, to quhom without onie exception suprema sides, qua nullam exceptionem passur jure optimo debetur. Uther over-lords are interiour and subalterne, to quhom their vassalles are bund and oblished, and suld masket heir homage. And swatcheir is twa kindes of homage, aut enim est ligium, aut non ligium. vid. Ligeantia. Baith the ane and the uther may be maid pro terris, tenementis, annuis redditibus: Because ane free halder of landes, tenements, and an-Ligeansia. Baith the ane and the uther may be maid pro terris, tenements, annus redditibus: Because ane free halder of landes, tenements, and an-ligius nurell-rentes, maie make homage to his immediat superiour for his landes tigius or tenementes, exceptand the King and his elder over-lord, quhilk is Homagium non ligium, lib. 2. c. steri. 61, leg. forest c. quando 60. Or he may make homage to his over-lord simplicater, without exception of ony perfon or uther over-lord, quhilk is homagium ligium. Prosolo dominio, na homage can be maid, bot onelic domino Principi, quhilk is Homagium ligium: Because it is upon condition, and covenant that he to quhome it is maid, salbe maister, Lorde and maintener allanerie to the maker thereof. And he quha makis the samin, sall acknawledge him and nane uther; to be his Lord and maister for his maintenance, protection and defence. or. And he quha makis the lamin, tall acknawledge him and nane uther, to be his Lord and maister for his maintenance, protection and defence, quhairanent he makis exception of na person, and swa this kinde of homage, is maid to the King allanetlie, pro solo ipsius dominio, quem solume nullum alium omnes debent agnoscere pro solo dominio. Hic locus admodum difficilis me diu, multumque torsit, neque aliter me hinc extricare possum, sed in hac resum unicuique liberum esto judicium.

HUESIUM, Hoyesum, ane French word. Oyen, in latine audite, ane

HUESIUM, Hoyesium, ane French word. Oyez, in latine audite, ane hoyes, or crie used in proclamationes, quhairby ane officiar of armes, or messenger dois conveen thepeople, and so irwarns them to hear him, de maritag. c. sciendum. 17. de judic. c. 57. It is called alswa, an out-hoy, or-crie, leg. forest. c. sq quis 91. And ane thiese suld be taken with the blast of ane horne with clamour, or hues, and presented to the Kingis Baillie. And gif thereafter he slies away, he maie be slaine leisumly, & hanged up in the next gallous. lib. 4.c. sq quis latronem. 33. Quhilk in an pairte is conforme to the Acte of Parliament. Ja. 6. p. 1. c, 21. And in the lawes of England, ann. 4. Edward. 1. he quha sollowis not the hue, raised for apprehending of malesactoures, salbe accused therefore.

e accused therefore.

HUSBANDLAND, contenes commonlie 6. aikers of fok and fyith land: That is of fik land as may be tilled with ane pleuch, or may he mawland: That is of fik land as may be tilled with ane pleuch, or may he mawed with ane fyith. For as sum auld writers testifies, the Earle of March for
the time, caused his servand Simon, or Sim Salmond, to divide the hail land
in the Mers into husband landes. Ilk husband land conteining 6. aikers,
quhair pleuch and syith may gang. Quhat Earle of March this was, I am
nocht certaine, bot I find that ane called Simon Salmound is sorefalted with of Alexander
Duke of Albanie, Earle of March, Mar, and Garrioth, Lord of Earl of
Annanddale, and of Man, brother to King James the third, 8. Julij. 1483.

Bot the Lords of Councell esteemis the zeirlie mailes, sermes, and dewties
of ane husband land, to sive markes, in Registro. 1. Decemb. 1545. And
ane uther husband land lyand beside Dumbar, they esteeme it to 14. bolles
bear, and 3- bolles quheits in Registro. 14 Feb. 1544. And ane uther husband land to 3- pounde. Swa I finde na certaine rule preserved anent the
quantic and valour of ane husband land.

INFANGTHEFE, lib. 1. 6.3. ane Dutch word, quhairof I find diversinterpretationes, for in the auld lawes of the Erittones musid be King Edward, infangthiere is ane liberty or power perteining to him quha is infeft. theirwith, to cognosce upon thielt, committed be his awin man, taken within his awin dominion, Eslands, like as in sindry and buikis, conteinand the lawis of this realm. In another dicitur latro captus de hominibus E z

fais proprijs, saissus de las recinios. Se outságehiese is an sor a thies quha cums fra an uther mans land, or jurisdictió, se is taken, se apprehended within the lands pertenand to him quha is insest with the like liberty. In sindry uther buiks it is written, that insangshiese is an liberty, to sit se deceid upon these, eommitted within the jurisdiction of him, quha is insest their with, be his awin man, or ony uther man quhatsuever, taken therewith, withinhis awin jurisdiction. And Out-sang-theise, is power or libertie to reduce, replege, and bring-hame to his awin court, all thieves being his awin men, and committand thiese within his awin boundes, quha ar sugitive and taken within ane uther mannis jurisdiction, with the sange, that is, hand haveands and back-bearand, Lib. 4.c. Si quis 11. Quoniam attache. vullus 22.

Quhilk sang in the civil law, is called jurtum manisses but sindry uthers ar in the contrair opinion, affirmand that it is not leasum to ony man havand libertie of out-sang-thies, to repledge or reduce his awin man, taken without his awin libertie for thiese, to his awin court, se there to do justice upon him; Because all thieves suld underly the law, and be judged be him, within quhais jurisdiction the thiest is committed: in sik forme se thance, as is statute anent slauchter, se punition thereof. Ia. 1. p. 2. c. 89. Amangst the interpretours of the civil law, I find the like controversie in this mater. For. Bert. in. 1. Sidom. 48: Nu. 2. st. d. strait, Quocung; (inquit) in loco reperitur fur cum re surviva, ibipotest puniti-Veluti survum faciens storestie, Si reperitur in alia jurisdictione, veluti Mediolani, cum jurio, potest a Mediolapensus In conjueitad. Burgund. Rubr.. Verb. simple larrecin. Nu. 1. 5.

Albeit sindrie uthers ar in the contrair opinion; alleagand, that the thiefe full he punished in the place quhair the committe the thiefe was committed, because the crime may be best tryed there, Stat. 2. Rob. Br.c. 4.

INFENSARE curiam. That is, quhen the judge informis the survers ane thi

The forme of the people. Let place the suffice aire, quhairofane gud forme is written and extant in the buiks, contending aire, quhairofane gud forme is written and extant in the buiks, contending aire, quhairofane gud forme is written and extant in the buiks, contending aire, quotient aire, quita languite aire, quita languite aire, quita languite aire, quita in competent and easile number, to eschew grievance, and hurting of the people. In 2. p. 6. c. 21.

The justice aire fuld be halden twise in the zeir. For King David statute & ordaned, that the justice & his deputes, suld hald twa head courts zeirlic. Ass. Reg. Da. cap. statut dominus. 18, Quoniam attach.c. statute 71, and the Kingis justice, the Lordes of the regalities, and also the Kingis ruise in the 2. parlia, 3. cap. 5. Universallie in all partes of this Realme, anison the grasse, and anison the cornes. I am. 2-par. 13. cap. 94, I am. 4. par. 3. c. 29, And over all the Schires of the Realme, in the Moneths of Aprill, and October. Ia. 6. p. 11. c. 81. Baith in the in-land, and alswa in the lles, South and North I am. 4-par. 6. c. 29. Because the I les and inhabitants thereof, studder under the state of the realme, for stanching of combers, stauchters, rieses, thieses, extorsiones, and oppression of the Kingis lieges. And to the effect justice canses justice in any be universallie, throw the haill realme ministred, for punition of the staden, to the justice aires, that trespassours; sik as men-slayers, rievers, thieves, and committers of uther enormities, in dissolven, and committers of uther enormities, in dis

thieves, and committers of uther enormities. In diffobeying, and licht-lying of the Kingis lawes, may be punished without favoures. Iam. 4 par.

The juftice aire, or court being proclaimed at the Kingis command, to be halden fik ane day as he pleafis, in the head burgh of the Schirer The juftice fuld cause dittay to be taken up be his clerkes diligentlie and faithfullie. For the dittay is the principall and chief substantiall poynt of the justice aire; and the justice fuld follow the ordour thereof.

the juffice aire; and the juffice suld follow the ordour thereof.

Dittay may be taken up, upon all crimes perteining to the justice, and his jurisdiction, as is manifest be the actes of parliament. Read the word Dittay in the table of the saidis actes, and als upon the crime of lese majestic, or treason: As the death of the King, sedition within the Realme; betraying of the Kingis hoist or armie; Breaking of the Kingis protection; fraudfull hiding and conceilling of ane huird or treasure; wilful fire, robbery, ravishing of weemen, murther, slauchter, thieft, fore-stalling, all kinde of falsed in doing of justice; in money, assist weichtes, measures, writs; And generallie, all uther like crimes, quhilk be the law, ar punished be death, or cutting of ane members. Lib. 1. cap. 2. Leg. Malcolm. Mak. cap. 3. Ass. Pav.c.nullus 17. de Iudic.c. Placitorum.

8. Mair-over, the justice generall, may set particular justice Courtes upon ony maner of crimes, quhen neede is, for punishment of particular saidtes that occurris; Sik as recent slauchter, mutilation, ravishing of weemen. Quhilk hainous and capitall crimes, may be first criminally persewed before him. And as for the depredationes, ejectiones, spuilzies, the samin being first civilie discussed before the civil judge ordinar; Thereaster may be criminallie persewed before the justice and his deputes, at particular diettes, set and appoynted therefore, or be way of dittay in the justice aire. Ia. 5.p.4-c. 33.

Dittay may be taken up twa maner of waies; privatlie and publicklie;

Dittay may be taken up twa maner of waies; privatlie and publicklie;

Dittay may be taken up twa maner of waies; privatlie and publicklie;

Dittay may be For the justice and his deputes may privilie take up dittay, be privie

taken up pri
inquisition of malesactoures, and their receipters, be the aith of three

value, or pub
licklie.

laine or officiar within ilk village or town Stat. Alex. c. 2. And mair over, all Lords and heades-men of all partes of this realme, fuld give up dittay upon notour trefpaffoures, without exception of ony persone, to bee taken and justified without remission. I. 3. p. 13. c. 94. And sulde mak trew relation there-anent to the Chancellar or justice, quben they salbe required. Ia. 3. p. 14. c. 98. And gif they be convict be ane affile in the contrair, they fall perpetuallie tine their court, in all time cumming. Li.4.c. off. 20. stat. Wilh.c. 48.5. Secondlie, the justice suld direct publicklie the brieve of dittay to the Schereffe and his deputes, for taking up of dittay, quhairof the tenour followis

Distay.

or the tenour rollowis.

Wilhelmus & Justitarius Domini nostri regis generaliter constitutus,
Vicecomiti & Ballivis suis de. E. salutem. Quia indistamenta Regia,
Deo duce, decimo die mensis. N. proxime suturi, cum continuatione dierum apud. F. Infra vicecomitatum vestrum levare intendimus, vobis prarum- apud. F. Infra vicccomitatum vestrum levarè intendimus, vobis pracipimus or mandamus, quatenus summoneatis, seu summoneri faciatis, legitimè coram testibus legalitime, de qualibet baronia, duodecim vel quindecim homines, ad hoc opus magis susticientes. Et de qualibet tenendria, seu villa quatuor vel sex homines. Et de quolibet burgo, duodecim, vel sex decim burgenses, ad hoc opus magis susficientes, secundum quantitatem locorum, or numerum personarum, in iisdem existen, una cum seriando, sabro, molendinario, brasiatore, or settatore, cususque baronie, villa seu tenendria. Quod compareant coram clericio nostris, pluribus aut uno, ditamenta regia. Et saciendum ac subeundum, id quod in hac parte, juris ordo requiris. Et sisis vos vicecomes, or ballivi vestri, ibidem, coram clericis nostris, dictis die or loco, cum continuatione dierum. Haben, vobiscum summonitionis vestra testimonium, or hoc breve. Provideatis etiam pro expensis dictorum clericorum, quas voois in primis computis, de existio bus justitaria reddendis, saciemus plenius allocari. Et hoc nullatenus omittatis sub omni porna, qua competere poterit in hac parte. Datum sub mittatis sub omni pana, que competere poterit in hac parte. Datum sub sigillo officii nostri pussitivaria. Quhilk brieve, the Schiresse suld reporte at the day appoynted, in the place, quhair the dittay sulde be taken up, to the justice Clerke, and twa witnes at the least with him, for to verifie the execution of the brieve, to be lauchsullie done, conform for to verific the execution of the brieve, to be lauchfullie done, conform to the command of the juftice. Coform to the precept & command abone written; the juftice Clerke ane, or maa, conveenis the day, and in the place appoynted, and there remains fuffeined upon the Schireffis expenses (quhilk is allowed to him in his comptes, of the islues & profites of the justice aire) and takis up dittay be the relation, and deposition of the persons summoned, for the giving up thereof. Quhilk dittay they fuld keip quiet, and suld na-waies reveale the samin to ony person, nor translate it utherwaies then it was given to them, nor change names, ane for ane uther: Nor put out ony surth of the rolles, bot lauchfullie and trewlie suld report and deliver the samin to the justice, and his deputes. Ia. 2. par.6,cap.28. Dittay suld be given up be vertue of the Kingis commission, direct to Earles, Lordes, Barrones, Knightes, and special Landed Geutle-men: And be foure of the Councell of everie Burgh, quha sall mak & give up dittay, be their awin knawledge, or be ane sworne inmak & give up dittay, be their awin knawledge, or be ane fworne inquest, or swore particular men: Upon all persones suspect culpable of the crimes and saultes, perteining to the jurisdiction of the justice and his deputes. Iam. 6. parlia. 11. cap. 81. Luhilk suld be likewise keiped quiet, and reported, as said is, to the justice. And dittay bewrite keiped quiet, and reported, as failed is, to the juttice. Ind ditray being taken up, upon ony crime against ony persones: Neither judge, bot the justice and his deputes, may mell there-with. Like as the Wardaine on the Bordoures, in his wardaine courte, may nocht intromet with ony thing that perteinisto the dittay of the justice aire. Jam. 2. par.

The dittay taken up, in maner foresaid; The justice Clerke, at com-The dittay taken up, in maner forefaid; The juffice Clerke, at command of the juffice, makis ane catalogue, conteinand the names of the Theperiusus, persones indited: And upon quhom dittay is given up, quhilk is called ane portuous. Togidder with ane uther Catalogue, quhilk conteinis the particular dittay, given and taken up, upon transgressources and malesactions, called the traisses: Baith the ane, and the uther, is delivered be the justice Clerke, to the crowner: To the effect, that all the persones quhais names ar conteined in it, may be attached, and arreisted be him to compeir in the justice aire, to answere to sik crimes as falbe im put

unto them. Ia-1.p. 13.c. 139.Ia-3.p. 14.c.99.

The crowner, in making his arreistmentes suld palle to the natural and dwelling place of the persones, given to him in portuous, and thereafter make proclamation at their Paroch Kirkes, upon sestual daies, and take sovertie of them, sik as he will stand for to the King. And gif the persones swa arreisted, be nocht streinzieable; The Crowner sall areist their gudes, and put them in sure keiping, to the Kingis use: qubill the said sovertie be sounde: Or else take their persones, and must show in the Kingis Castell, gif ony bee within the Schire. And menies, at re:/tm put them in the Kingis Castell, gif ony bee within the Schire. And gif there be na Castell, hee sulde deliver them to the Schireste to bee keiped. Ia. 5. p. 3. c. 5.

because sindrie persones indited, usis to flie and ab nd mair-over, fent themselves; swa that the Crowner can nocht apprehend them per-fonallie, to arreist them. In that case, it is sufficient that the Crowner figure fonallie, to arreift them. In that cafe, it is sufficient that the Crowner cum to the dwelling place of the saidis persones, and make them warning, and charge to compeare in the justice aire nixt following, to answere to sik accusationes of crimes, as salbe imput unto them. And thereaster upon the nixt Sabboth daye following the said charge, the Crowner sall make open and publick intimation of his warning, charge, and premonition, maid to the saids persones, be their names, in their Paroch Kirkes. Quhilk charges, premonitiones, and intimationes, sall stand to them for sufficient arreistmentes, the samin being lauchfullie proven, as effeiris of the Law. Tam. S. D. A. C. 33. of the Law. Jam. 5. p. 4. c. 33.

And mair-over, gif he cannocht attache ony man personallie, be reason of his absence; he suld arreist all his gudes moveable, and un-

Dittay, a

moveable, to remaine under fure pledges, and to be furth cummand to the King: In cafe he be nocht answerable to the law. before the justice, Leg. Mak. cap. 1.

The Crowner sall arreift at all times, alsweil before the crye of the aire,

The Crowner fall arreift at all times, alfweil before the crye of the aire, as after the famin, all them quha are given to him in portuous, be the juffice Clerke, and nane uthers. James 1. Parliament 13. cap. 139. Bot all arreifmentes, fulde bee maid before the time of the beginning of the juffice aire and feate of juffice, and na-waies after the famin. Ja. 3. par. 7. ca. 58. All persones charged to compeir, in the justice air, suld be attached and summoned be the auld law of this Realme, upon the space of fourtie daies at the least. aff. Reg. Da. c. ad Summonitiones. 19. And albeit na man suld be attached or arreisted, except dittay be given up upon him. Stat. Alex. c. 2. Neverthelesse, in attachementes, or arreisments of ony person inditted, na mention suld be maid of the cause or crime, for the quhilk he fuld be inditted; bot the same suld be concealed be the clerke, and na waies revealed be him. Stat. Wilk. c. statuit estams 6. leg. Foress. 5. is aliquis 52. revealed be him, Stat. Wilh. c. flatuit etiam 6. leg. Foreft c. Si aliquis 52.

All the indwellers within the towne or village, fuld concurre and affift the crowner, in attachement or arreifting of affift the crowner, in attachement or arreifting on malefactour to competent.

Arreifting of affift the crowner, in attachement or arreifting only malefactour to competent. quhen the crowner receivis his portuous, conteinand the name of ony person indited, quha will not obey him, or quhom he dare not, nor is it of power to arreist; he sall passe to the Lord of the Barronnie, quhairin that person dwellis: Utherwaiesgif he dwellis not within ane Barronnie, he sall passe to the Schireffe of the Schire, and require them to be borgh he fall passe to the Schireffe of the Schire, and require them to be borgh and soverie, to enter the said person to the justice aire; quhilk gif the Barrone or Schireffe results; the Crowner sall require them to send their officiares, and sufficient number with them, to fortifie and supplie him, in making of his arreitment, taking and keiping of the said disobedient person, quhill he be brocht to the Schireffe, to be keiped be him, untill the time of the suffice aire. Jam. 3. p. 14. c. 99- Mair-over the crowner sall bring all persones arreisted be him, quha hes not, or may not find borrowes to the Schireffe of the Schire, quha sall receive him in suretie, and surface, upon the Kingis expenses; and quhair it failzies, on their awin gudes, quhill the nixt justice aire, and there present them to the justice. 14. C. 102

The Crowner, or makers of the attachements and arreiftments, fuld not intromet, or carie awaie ony gudes or geare, petteining to the per-fones attached: Bot the Lord, or officiar of the towne, fall fuffeine them fones attached: Bot the Lord, or officiar of the towne, fall susteine them reasonable, upon the expenses of the saide person, be the space of ane day, and ane nicht. Stat. Alex. 6. 2. And git the said person cannot be personally apprehended: The crowner may remaine in his dwelling-house ane day and ane nicht, and suld be susteined with twa servandes, and uther twa as witnesses, and his clerke suld have twa schillings, and sa may nocht take any mair of the gudes and geare, perteining to the said person attached, albeit he be absent. leg. Malc. Mak. 6. 1.

Attachements and arreitsments maid be Crowners and serjandes, may be provin be them and witnes. 1a.3. p.7. c. 52. That is, be the aith of the Crowner, an ewitnes, conforme to the auld consulted. I. 5.p.4.cap. 33.

The crowner sail have for his see. for ill man americat or componand.

The crowner fall have for his see, for ilk man amerciat or componant The crowner fall have for his fee, for lik man americal or componand, and colpindach, or threttie pennies. For him that is clenged be ane affile, the crowner fall have an thing. For ane man filed or condemned, the crowner fall have all the dantoned horse not school. Leg. Mas. Mac. c. 1. Quhilk is to be understand, of dantoned Horse, depute to wark, and not to the sadle; that was never school, nor used to schoone. J. 3. p. 14. cap. 113. The crowner suld have all the cornes lyand in binges and mowes, caften and broken, all the in sight, utensile, and domicile, within the inner part of the house: That is, within the cruik hingand upon the fire. And all and sindies schoin within twenties. And all the swine and saites within and findric scheip within twentie: And all the swine and Gaites within ten. Leg. Mal. Mak. c. 1. Attachements and arreistmentes being maid, or directed to be maid; or in the time of the making thereof: The justice directed to be maid; or in the time of the making thereof: The justice generall, directis ane charge, called pracepsum isineris Iustistiaria, to the Schireste and his deputes, in maner and sorme sollowing. Wilhelmus Iustistiarius domini regis generaliter constitutus, Vicecomisi & Pallivis suis de E. salutem. Quia ordinamus iter justistarius domini nostr regis, Deo duce, tenen, de tota ballia vestra, apud. E. Decimo die menses. N. proxime suturi, cum consinuatione dierum Vobis pracipimus & mandamus, quatenus summoneatis; seu summoneri saciatis, legitime & coram testibus legalibus, omnes Episcopos, Abbates, Priores, Comites, Barones, & ceteros libere-tenentes, totius ballia vestra qui sectas debent. Ac estiam omnes illos, qui mibil niss sue bent prasentias, qui de domino nostro rege tenent in capite. Quod compareant coram nobis seu deputatis nostris, pluribus aut uno, dictis die & loco, cum continuatione dierum, ad perficiendum, subeundum, & determinandum, id quod in hac parte, juris ordo postulat. Pramoneatis etiam, omnes indictatos, tam de novo, quam de veteri, & suos plegios, qui nondum coram nobis comparuerunt, & judicium subierunt, ac etiam sillos, qui prosequi babent, vel desendere in dicto itinere, secundum sormam siuris. Quod compareant coram nobis, seu deputatis nostris, pluribus, aut illos, qui prosequi babent, vel desendere in disto itinere, secundum sormam juris. Quod compareant coram nobis, seu deputatis nostris, pluribus, aut uno, distis die & loco, cum dista continuatione dierum, ad perficiendum of subeundum, id quod in bac parte juris ordo requirit. Et stis vos Vicecomes, & Eallivi vestri, ibidem, distis die & loco, cum dista continuatione dierum, baben vobiscum summonitionis, ac pramonitionis vestra tessimonium, & boc breve. Provideatis in super pro expensis nostris, bende competenter. Quas vobis, in vestris primis computis, de exitibus tustitaria reddendis, vobis faciemus plenius allocari. Et hoc nullatenus omitatis, sub omni para, qua competit in hac parte. Datum sub sigulio nostri ossici Iustitatria. officii Institiaria.

Quhilk precept and command, is conforme to the Lawes of this realme:
Because all tree-halders, haldand lands in chiefe of the King, within the
Schireffdome quhair the justice aire is halden, suld compeir and be present
all excuse set assisted except the same be of sicknes, the Kings service, or tim-

fell of landes and heritage; To certific and informe the juffice and his deputes, in fik queftion and doubtes, quhilk incidentlic arifis, as emergent, and of before could nocht be fore-feene, nor knawen. Aff. reg. Da. c. flat. 18. quoniam attach. c. flat. 77. Sik as Bifchops, Abbots, Priors, Earls, Barones, and uther free tennents, being fummoned and warned to that effect, quon-attach. c. ad fummonitiones 78. 1. 4. c. Stat. 19; and they being lauchfully warned and nor compeirand, incurris, the paine of the unlaw of the court. Li.4, c. flatatum. c. 19. And may be punished as favourers of the transgressiours, and airt and part with them. la.4, p. 3. c. 29. And they and all uther the Kingis lieges, fuld cum to the juffice aire, and to all uther courtes, in sober and quiet maner; and fuld not bring with them, maa persones, then ar daile in their houshald and samilies. And being cum to their Innes and ludgeing, fuld laye their armour and weapones maa persones, then ar dailie in their houshald and samilies. And being cum to their Innes and ludgeing, suld laye their armour and weapones from them, and use na weapons, bottheir knise. Ia. 2, p. 12 c. 83. Mairover, all Lordes, Spirituall and Temporall, Barroues and uthers cummand to the justice aire, suld na-waies mainteine, fortifie, supplie, desend, nor be Advocattes, nor stand at the Bar, with manifest traitoures, men slayers, thieves, rievers, nor uther trespatioures, nor persones perteining to themselves, or utheris: Saisand, it falbe leasum to them in sober waies, to stande with their kin, and friendes, in defense of them, in their housest actions. ber waies, to stande with their kin, and friendes in defense of them, in their honest actiones. In 3, p. 14 c. 98. Quben the justice aire is to be halden upon the Bordoures; The Wairdaines, within their Wairdainries, and their deputes, with the free-halders of the Schirefsdome, being warned thereto be the Schirefs, be open proclamation, suld convoy the justice and his deputes, to the place appoynted for halding of the Court: And accompanie them, in-during their residence, and untill they be out of the boundes of their Schirefsdome, and received be the nixt Schireffe. Ia.

the boundes of their Schireffdome, and received be the nixt schireffe. 12.

6. p. 11. c. 81.

In the juffice aire, fuld compeir all persones attached, and arreisted, conforme to the dittay given & taken up upon them; quhairos, some were rathed of before, to have compeired in the justice Courte preceiding, alreadie ended, and expired, and compeired noth in the samin: quhais names ar given to the Crowner, to be of new attached, and arreisted, to the aire sollowing, as of before: Uthers are of new indited, upon quhom nae poynt of dittay was taken up, in ony time by-gane, quhais names ar comprehended in ane Catalogue, called portuous. All the fore-saidispersones indited, baith of auld and of new, suld be attached and arreisted be the Crowner, to compeir and underly the law, the time of the justice aire, as is manifest be the precept foresaide, direct be the justice generall, to the Schireffe.

All perfons arreifted, that may be apprehended, the time of the aire, in the Tolbuith, or in the town, quhair the juffice is, falbe taken and delivered to the juffice, to be juffified for their crimes and trefpaffes. Swa that the arreiftment be maid before the time of the beginning of the juffice aire, and feat of juffice. Jam. 3.par. 7. cap. 57. And quhair landes flice aire, and feat of justice. Jam. 3. par. 7. cap. 57. And quhair landes lyand in findrie Schireffdomes, ar annexed and united in ane Barronnie: The inhabitantes thereof, fall answer in the justice Court, quhair the of analytical landes lyis, and the Lorde, or proprietar of the landes annexed, givis presence or service, in the court of the Schirefsdome, within the quhilk the barronnie lyis, to the quhilk the landes ar annexed. Ja. 4. par. 6, c. 93. For in this case, respect and consideration is had to the natural structuration of the landes. and to the institution, within the quhilk they have a service of the landes. on of the landes, and to the jurifdiction, within the qubilk they lye: rather nor to the imaginar, and civill forme of lying, of the landes be annexation.

annexation.

Attour, all inhabitantes of flewardries and baillieries, fall cum to the stewardries, head burgh of the Schireffdomes, quhairin they lye: And within the qubilk & Baillieries head burgh, the Kings juftice aires are halden. Ja. 6. par, 11. c. 81.

The judge in the Kings juftice aire, is the Kings juftice generall, or the Kingis baillie, in his regalles, havand lauchfull power and commission granted to them. Ja. 2 p. 3. c. 9. For the King, or the justice generall, may make aucht deputes, quha with ane depute of the Thesaurer, and ane uther of the justice Clerke, suld passe several liethrow the aucht quarters of the realme, and hald justice Courtes. J. 6. p. 11. c. 81.

ane uther of the juftice Clerke, fuld paffe feverallic throw the aucht quarters of the realme, and hald juftice Courtes. I. 6. p. 11. c. 31.

The juftice generall, fuld have for his fuftentation, ilke day of the aire, five pound. Like as the juftice Clerke fuld receive for ilk man clenged, The be ane affife, and drawen furth of the rolles, four pennies. And for ilk expensan americat, or componand, ij. s. Leg. Mal. Mak. c. 2. For ilk Actorney and commission, twa shillinges. For ilk man quha producis ane remission, twa shillinges. For ilk man convict and filed, twa shillinges. For ilk letter of witnesse, for shillinges and the pennies.

for his man convict and nice, twa initinges. For his letter of withche, fex fhillinges, aucht pennies.

The Schireffe fuld be prefent, as he quha is warned be the juffice precept, to answere to all the poyntes thereof: And touching the executi- The Schireffe, on of his office, togidder with the Crowner, quha fuld answer for his The crowner, attachementes and arreistmentes, and venfication thereof: And the Schireffe, with the Crowner, sudd thould are affile, the last day of the aire, anent the using and execution of their offices, to quhome justice fuld be ministrat, as they fall be founde innocent, or culpable. Jam. 3. parlia. 14.

The day of compeirance being cum, to the quhilk the justice aire is cryed and proclamed; The justice and his depures, sud compeir the formed with all uther persones, charged and commanded to concurre and affish with them. At the quhilk time, the sutes sudden first called, with their The sate of Lordes. For albeit the Suiters compeir, neverthelesse, their Lords and course. mailters ar oblifhed likewife to compeir, and give prefence to the juffice in his aire: They being lauchfullic fummoned, and charged to that effect, be open proclamation, and be the juffice precept abone written.

his are: I hey being fauchulife funminoned, and charged to that effect, be open proclamation, and be the justice precept abone written.

2. The Commission and power given to the justice, full be produced and red: And gif the Commission be given and granted to maa performs fones nor ane conjunctile. They suld be all present; underwaies it is no lauchfull courte. Bot giftbey be constitute conjunctile and several.

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fic: It is fufficient that ony ane of them be prefent. And mair-over, the juffice may nocht make and conftitute deputes and substitutes under him, except he have speciall power in his commission, to do the samin. Lib.

4. 6. funus. 27. Thirdly the judge suld begin and tense the court, conforme to the common ordour and consuetude vsed and observed. Ia. 6. par. 11. c. 81. Quhilk suld be done at elleven houres before noone. Ja. 6. p. 11. c. 86. Fourthlie, the court beand affirmed, the dempster suld be called and caused to be sworne, that he sall least lie and trewlie, use and exerce his office. Fiftlie, the suites suld be called. Ia. 6. p. 11. c. 81. zit againe as of beand cauted to be tworne, that he tail realite and receive, use and exerce insoffice. Fiftlie, the fuites full be called. 1a.6. p. 11. c. 81. zit againe as of before ilk man, twife with their lords and mafters, and the ablents decerned to have failzied, and therefore full be unlawed, and gif baith the fuiter and his Maister be absent, ilk ane of them be themselves suld be a-

Sextlie, the affisouris being summoned be ane precept direct be the ju-ffice to that effect, suld be called, ilk persone under the paine of source punds, and the juffice may cheife affife ane or man, as he pleafis, of the beft and maift worthie of the cuntrie, before quhom the haill accufation, reaoning, writes, witneffe, and uther probation, and infruction quhat-fun-ever of the crime, falbe reasoned and deduced in their presence; and also in the presence of the partie accused; in face of judgement. Ia.6.p.11.c.90. 91. And it is to wir, that he quha givis up dittay upon ane uther, suld not

paffe upon his affike. 1a. 1. p. 3. c. 50.

7. The juffice fuld proceede in his court, and put the offenders gif ony be alreadic in prison, to the knawledge of ane affise; and minister justice upon them, as they salbe found innocent, or culpable. Iam. 6. p.

11. cap. 81.

8. He fall call thereafter the pledges, and cautioners of perfones attached, quha faund fovertie before the justice ony time preceeding, at ony particular dier, or court, to compeir the third day of the aire, or fooner, upon

fifteene daies warning. Ia. 6. p. 11. c. 81.

9. This being done, the clerke fall vifit and confidder the haill rolles, and journell, and call all them quha ar absent from the aires preceeding. Upon quhais heades and names is written, prima dies, secunda dies, tertia dies: Be the quhilk, he understandis, fra quhat aire or court they were abdies: Be the quhilk, he understandis, fra quhat aire or court they were abfent. And that they may be therefore amerciat, ilk ane of them be themfelse, be reason of their absence. And git the saidis persones, nocht compeirand of besore, now compeiris & ar present: The clerk sall luik the auld dittaies and rolles, and accuse them, conforme thereto, in the best maner he may gudlie. And gif there be na particular poynt of dittay, or accusation; he sail lay commoun dittay to their charge.

10. Thereaster the justice sall call the persones newlie in-dited and arreisted; And gif they or onie uther of the arreisted persones foresaidis, compeir; they suld be presented to the court, and to the Schiresse, quha suld answer for them, untill justice be done upon them.

11. They quha ar attached, and compeiris not, may na-waies be accused for their nocht compeirance, bot be the Kingis service; quhilk suld be verified be the Kingis letter, produced in court: Or be reason of seiknesse. Quhilk be the auid lam, was tryed be ane assise, quhidder it was trew, or seinzied: Albeit the partie was absent. Stat. 2. Rob. Br. c. 5. Bot now it suld be proven and verified be the Minister of the Paroch, within the

fuld be proven and verified be the Minister of the Paroch, fuld be proven and verified be the Minister of the Parocn, within the quhilk the person excused dwellis: And be twa witnes personallie compeirand in judgement. I. 1. p. 9. c. 114. And concerning persones absent, it is generallie ordained, that everie barrone and free-halder, fall answere in the justice aire, for his awin men, dwelland upon his awin proper landes, tackes, steadinges, rowmes, and baronies, and salbe halden to enter them,

or els answere to the King, for their unlawes. 1.5. p. 3. c. 6. Quhat is the unlaw in the justice aire. vid. Amerciamentium. Bot for the better understanding of the lawes, concerning fugitives and absentes: It is to wit, that be the auld lawes of this realme, gif the partie defender being lauchfullie warned, compeired not, bot fend ane effoinzie, or excufe; the famin being reasonable, was received and admitted to the judge, three sindrie daies or courtes: And gif he compeired afterwarde, and verified not his effoin-zies to be lauchfull, he was diffreinzied, and poynded therefore. Bot gif he neither came, nor fend ane excufe: The partie perfewer compeared at lauchfullday and time of court, and offered him reddie to perfew, e the space of three daies. And the third courte b

past, the defender was summoned to compeir the sourth day: The quhilk fourth court was peremptour; because sense definitive was given against him, conform to the claim and petition, gif he compeired nocht. Lib.1.c. summovitus.9. The like forme and ordour of processe was observed in justice courtes. For mention is maid of the first aire. la. 3. p. 13.

c.94. And of the fecond aire. 1. 5.p.4. c. 3 2. And of the fourth court. 1. 3 p. 14. c. 101. And gif ony person indited, and lauchfullie attached, compered not, the said three courtes, his pledge or law borgh was called and amercian at for the first, second, and third court, and at ilk time after ilk ane of the saids courtes, the said pledge was poynded and distreinzied, and the distresse or poynd was letten to borgh, and maid free under caution; that

the faid person indicted, suld compeir in the nixt aire following, to underly the law. And gif he was absent at the fourth court, the peremptour doome was given against him, That sik ane man was in ane americament, and at the Kingis horn, and his landes and all his gudes escheit to the King, except he come within source daies, and did bide the law: And thereafter the court being ended, the faid person was denunced rebell, and put to the horne openlic at the mercat croce of the head burgh of the Schire.

Quhilk forme of processes was fa lang and prolixt, that in mony zeires, parties hurt and grieved, gat na justice: And trespatioures and crimes passed unpunished: quhilk was the occasion to mony persones to commit crimes, trusting na hastic punition nor correction to follow. Therefore

crimes, trufting na haftie punition nor correction to follow. Therefore King James the Fifth, statute and ordained, that the process of justice aire, and justice courtes, fuld be peremptour at the second aire or court, swa that sugitives not compeirand at the second aire

or court, fuld be denunced the Kingis rebelles, and put to his horne, and

all their gudes his escheit. Iam. 5. Parl. 4. Cap. 32.

12. Hereaster the Lordes of regalitic may desire their men to be remitted to their awin justice courte, and replege them, schawand their com-regalitic. missiones, power, and payand therefore; and leivand ane caution behind them, called Culrach, quha salbe acted and oblished, in the justice Court, that justice salbe done and ministrat, in the court of the regalitie, to the

that justice falbe done and ministrat, in the case of partie completion dupon the person repleged.

13. The justice or his Clerkes, fall demand and speare at the Baillies of Replegiation of Barrene in the Barrene of Barrene in the Burrowess gif they be reddie to prefent ilk Burges within their Burgh, indited to the Kingis juftice aire: Quhilkis persones suld all enter personal-lie before the justice, under the paine of ane un-law and amerciament of court: quhais names the saids baillies sall put in writ, and deliver the samin to the justice, or his clerkes. And gif they will borrow or replege their saids incheboures; they sall show their Commission, & paytherectore; & thereafter they fall draw, or oblige themfelves, their Comiffion, & burgh in pledge: That thay perfones quhom they replege and quhais names they give in write, falbe furth-cummand, and answerable to the laws, and chalin pledge: That thay persones qubom they repregnant quantities and pive in write, falbe hirth, cummand, and answerable to the laws, and challenge of the justice. At the qubilk time, he and his deputes fall affigue to them ane certaine day, to underlie the law, either in that aire, or thereafter quben he fall think speedfull. And at the samin time, it is leasum to the Kings justice, fittand in the principall burgh of the royaltie, to give ane affife to all the saids burgesses, repledged of their awin nichtboures, that best knawis the vertice, dwelland in the same burgh with them. And gif there be nocht ane sufficient number of the said con-burgesses: It salbe leisfull to choose ane affise of the burgesses of the said head burgh, quhair the justice and his deputes sittis, as he sail think expedient. 1a, 4, p. 1, C. 1. expedient. la. 4. p. 1. c. 1.

14. Gif the partie accused compelrand, alleagisto his remission or respet; he fall produce the samin in court, and fall finde sicker borrowes repet; he fall produce the familian court, and fall finde licker borrowes to affith and content the partie complemend, within fourtie daies following: Quhair-upon ancaét is maid in court, quhairby he and his cautioner, ar oblifhed to affith and farisfie the partie, within the space fore-faid; Quhilk is called the acte of Adjournall. And gif he results to finde caution, he fall remain in the Kingis prison, quhill the said source daies be runne, and then his remission salbe expired, and of na value. I.a. 2.pa. 14.c.75. And in this cafe, quhen ony man takis him to his remission, respect, or composition, in the justice aire, or justice court, and find is sovertie to affith the partie: It is leasum to the partie to call the said sovertie before the Lordes of Councell, conforme to the act of Adjournall, maid thereanent. Ia. 5.p. 3.c.7. As gif ony man becummis fovertie for an euther, anent spuilzie committed be him; and for restitution or satisfaction to be maid be him therefore, He as sovertie may be called and conveened for For the violent prices thereof, for the damnage, the gaues pand interest fulfetined be the perfewer, throw the committing the faid spuilzie. 10. Martij. 1500. William Keith, contrair the Earle Caithnesse. And the said sovertie being condemned, hes gud action a-gainst the principal partie, for his reliefe, be ane simple charge, upon sex daies warning, without peremptour summoundes, or ordour of table,

15. Gif the person attached compeiris in the Courte, and beand accuor one of the perion attached competits in the Courte, and beand accured, hes na relevant exception, or reasonable defense; of necessitie he full passes of the Realme. At the qubilk time, the haill affisours suld be called, and the abstents amerciat. Ia. 6. p. 11. c. 76. And the partie accused, full be heard to propone all and findrie, his lauchfull defenses, against the haill affisoures or ony of them, to repell them, as he may best of the law, and stay them to passe upon his affise. At this time the person competitude and accused, cummist in the will of the justice, or he is cleared by an eastlist; or he is nmis in the will of the justice, or he is clenged be ane affife; or he is Perfores eled and convict. Gif he fubmittis himfelfe, and cummis in will; It is command in leasum to the justice, to draw him furth of the rolles, and to declare his will, will, and to charge him to pay ane composition, or sik ane summer of silver, as he pleasis to modifie after the qualitie of the crime and person, for up-taking and in-briaging quhaivos, the justice aire being ended, the justice directis his precept, called, Praceptum extrasts inners justiciain this forme

ria, in this forme:

Wilhelmus justitarius generalis, Vicecomiti & Ballivis suis de. E. salu-Theprocept of tem. Quia in titinere justitiaria Domini nostriregis, per nos ult mò tent, extradet. apud. F. decimo die mensis. N. Anno Domini & c. Diversi suerunt amerciati, & pro suis delittis convicti, & in nostra voluntate positi. Quare vobis precipimus & mandamus, quatemus de infra scriptis personis subscriptus summas levari saciatis, & pro eisdem secundum sormam juris distringatis. Et primò de N. summam & c. De quibusqui dem summis solvatis pro expensis nostris in dicto itinere summam. N. Residuum verd distanum summanum salvatis costerariis Domini Nostri Revis: Val cui dictarum sumnarum selvatis cofferariis Domini Nostri Regis: Vel cui vobis assignabitur infra tempus legitimum, hoc est infra quadraginta dies primum diem dicti itineris proxime & immediate sequen. Et hoc uullo

omittatis.

Quhen ony person is clenged be ane assiste, the justice directishis Testimoniall, called Litera testimonialis de homine mundato per assistam, in

moniall, called Litera testimontalis de homine mundato per assisam, in manner tollowing.

Withelmus justitarius generalis, universis of singulis ad quorum notitias prasentes sitera pervenerint, salut. Noveritis quod comparens coram nobis itinere justitaria Domini nostri Regis, tent. apud. F. decimo die mensis. N. anno Domini & c. I. de. B. indictatus. of per rotulos Regios calumniatus. de arte of parte talis surti, vel talis rapina, vel incendis oc. Quamquidem calumniam dictus. I. in sacie judicip penitus denegavit. Et super hoc adrecognitionem assis utique se submissi Quaquidem assis hincinde diligenter consulta, Et plenius avisata, dictum. I. à dictis calumnits sibi impositis, quittum declaravit, penitus of immunem. Et boc omnibus quorum interest, vel interesse poterit, notum faciones

The fecond

All thay persons quha cummis in will, and drawen furth of the rolles, and also they quha ar clenged be ane assis, can na waies in ony time thereafter be called or accused for that crime, for the quhilk they cum in will; for anis quit and clenged, ay quit and clenged. Zit nevertheles, gif ony per-fon be accused criminallie of life & lim, at the instance of ane uther pri-vate man allanerlie, and is clenged and maid quite: the Kingis justice & his deputes, be reason of their office, may thereatter tak inquisition aneut the faid crime; & in the Kingis name accuse the committee ithem. faid crime; & in the Kingis name accuse the committer thereof, conforme to the Law. Notwithstanding that of before, he was clenged thereof be ane affise. Lib. 4.c. Si querela. 58. Because the action or persure of ane privy partie, prejudgis not the King in his richt or rentes, competent to him, be reason of his royal power. And therefor the Thesaurar, and the Kings Advocate, may persew all maleslactoures: Albeit the parties de sist, or privable agrees a privage themselves to he was a considered to the contraction.

Autocate, may periew all indicactoures: Albeit the parties delite, or privatile agree amangit themselves, ia. 6, par. 11, ca. 76.

Quben trespassours and malesactoures ar convict, as breakers of the statuts, and acts conteinand dittay; they aucht and suld be punished according to justice, and conforme to the tenour and paines conteined in the acts ing to juttee, and contraveened be them. In .4.p.4.c.45 And fa gifthe paine conteined in the act be pecunial, they fuld pay the famin. And gifthe paine capital, they fuld underly and fuffer the famin, except the King give them remiffion, and speciall grace there-anent. As for example, landed men, lauchfullie and ordourlie convict of common thieft, recept of thieft, or ricfe, incurris the paine of treason, and therefore suld be punished be tinsell of life; and confiscation of landes and gudes. Ia.6.p.11.c.50. Al-waiesthe Crowner may not intromet with ony gudes or geare perteining to only trespasson; convict and condemned to the death, as his awin hand, untill the Scheriffe or his deputes, passe, or send with him, and visite all the haill gudes; and deliver to the Crowner fa-meikle, as he sulde have be reason, and as perteinis to his office, and bring the remanent to our Soveraine Lord, and his Thesaurar I.3 par. 14.c. 102.

The justice aire beand ended; the justice fall deliver the extract thereof, subscrived be him to the Thesaurar quha fall cause take up the source conteined thereintill, and make countrillers of in the nixt Checker, in the or riefe, incurris the paine of treason, and therefore suld be punished be

conteined thereintill, and make compt thereof in the nixt Checker, in the qubilk compt falbe allowed the expenses and charges of thejustice, & his deputes and Clerkes, as the famin falbe modified be the Lordes, Audi-

toures of the Checker. Ia. 6.p. 11 c. 81.

LAST Ofgudes, how meikle it conteinis. vid. Serplaith.

LET Lands to borgh, dimittere terras ad pleg. vid. plegius. vide Recog.

LEX Apparens lib.4. cap.4. de iudic. c. 24. Leg. Foreft. cap. I tem in placino. 16. fignifies the law concerning fingular battell. And lib.4. cap.1. it fignifies ane inquisition, maid, or taken be ane inquest or assiste. And in the Law of Normandie. li.9. c. 10. It is called Loy apparisant. And lib.8. c. 3.

All quarrelles of possession immoveables, quhilkis are called Chatell, or of landes and immoveable guides, suld be decided be commount and timple quarrelles, conforme to ordour of lawe, or be lawes.

Apparisantes: sublikis ar determinat, ather be fingular battell, or be ane Apparifantes; quilikis ar determinat, ather be fingular battell, or be ane inquest of of the cuntrie, utherwaies called, Loy recognosifant It is likewaies called, Lex paribilis, a parium pagna, vel concertations, from the combat of peeres and Campionis, or lex duellonum, quhilk law is ungodlie, and not to be used among Christianes. Cuia lib.1.de fend.

LIBERATIO, ane fee given to ane fervand, or officiar, quhilk is called ane liveric, Leg. Malcolm. Mackenneth.c.4. Feodum, or fee, is commonlie of filver and money, and ane liverie is of meate or cleithes. Bot this diffinction or difference, is nocht perpetuall.

LIBERUM Temementum, is commonlie, and properlie called, franck

tenement, or life-rent: In Latine, v fus fructus, conform to the dailie practicque of this Realme. And neverthelesse, Liberum tenementum, signifies, the propertie, see or heritage. Donatio liberi tenementum, se concessio bereditatio, is baith anc. Lib.2.c. potest. 21. Tenementum Regium, is called the Kingis heretage. Lib.2.c. Dicitur.74. In the quhilk signification, Minor dicitur esse in tenemento. lib 3.c. Generalia. 24.c. Remanere 26. Et placitum

dicitur effe in tenemento. lib 3.c. Generalia. 24.c. Remanere 26.Et placitum deretto evliberis tenementis per breve domini Regis de retto debet terminari. Lib. 1, c.6. And King Alexander gave and disponed to Duncan Forbeys, tenementum de Forbeys. That is, the landes and heretage of Forbeys: quhilk Charter is zit extant. vid. Tenementum.

LIGEANTIA, Lib.2.c. Fieri. 61. From the Italian word Liga, ane league, band or obligation: as homo ligius, ane man, quha is oblished and bound fra the quhilk cummis, Alodium, in libris seudorum, quasi possessio semutuall band or obligation, betwixt the maister and the servand Lib.2.c. plarib: 14.lib,4.c. Si quis sinper. 36. Vid. Assistant leam, the mutuall band and obligation, betwixt the King and his subicces, quhairby wee ar called his lieges, because we are bound and oblished to obey and serve him. led his lieges, because we are bound and oblished to obey and serve him.

And he is called our liege King, because he full maintaine, and defend us. And the doctors of the law writis: Quod imperator dicitur domino totio m di, eodem modo quo rex regni l.bene a Zenone. C de quadr. prescript. Quhilk fuld be understand, concerning the desence and maintenance, and not anent the propertie. Quia reges non funt domini privataru possessionum. Clof. in. I. Barbarius de Offic. prator. Homagium ligium, vel cum ligeantia fait-um, Is quhen the valfall, abfolutlic makis homage to his superiour, against um, Is quhen the vallall, absolutlic makis homage to his superiour, against all, and quhat-sum-ever persones, without exception of onie man. quhilk suld be done to na uther, bot to the King allanerlie. Hamagium non ligium, vel sine ligeantia, is that quhilk the vassall makis to his Over-Lord, excepting and reserving the fidelitie, quhilk he aucht to the King, or his elder Over-lord, or maister. Lib. 2.c. steri. 61. Chesaneus. in Consuetud. Burgund. Rubric. 3. §. 3. Verb. & homage. Nu. 10. cum. seq. Quhilk vassallis calledvassallalus non homologus. Likeas the uther is vassallus homologus, in quhais aith na person is excepted. Cuia. lib. 2. de feud.

MACHAMIUM, Mechanium, from the auld French worder Mehaigne, quhilk we call, Manzie, hurt, mutilation, demembration, or the loffe or tinfell of ony member of ane mannis bodie: Or the breaking or the losse or tinsell of ony member of ane mannis bodie: Or the breaking of ane bane; or quhen ane mannis barn-pan, or ony part thereof, is cutted away. or dung in. Li. 4. c. 4. Res cum mabamio dicitur res misus fana. Lib. 3. c. ex causa. Be the auld Law of this realme, he quha is mainzied, hes ane just cause to excuse himselfe fra singular battell, and zit he will be compelled to purge, clenge, and defend himselfe, Per ignem of aquam. Li. 4. c. 4. cap. Si quis prolatrosinio 15. Quoniam: attach, c. Si quis 58. Lib. 4. c, assigned a lex. c. quicunque 31. Quhainos the power percenis not to ony Barronne; For na subject may compell ane uther to purge himselfe be fire or water. Stat. Alex.c. preteres 32. This kinde of purgation was ane maist scharp and extream kind of purgation and tryall: Like as we dailie use in commoun proverb, quhen we say be way of menacing, & boatling, that we sall gar ony person pas per ignem of aquam; That is, to suffer and underly that kinde of tryall that is maist severe and extreame. It is called, judicium Dei, the judgement of God, as knawin to bin allanerly. ter and underly that kinde of tryall that is mailt levere and extreame. It is called, judicium Dei, the judgement of God, as knawin to him allanerly.

Iter. Camer.e.cum hoc. 25. And was in great use amongt the Longobardes, as is exponed be Hotomanus de feud.c.44. In the auld Saxon toung, and zit in durch, it is called Ordeil, ordalium, from, or, quhilk they use as privativa particula, and Del, quhilk signifies ane part or portion: quhilk ordalium.

word we use in the same signification: and swa Ordeil signifies innocent, quha hes na part, or is not participant of the crime, quhairof he is accu-fed. Purgation be the fire, is quhen ony man with bair feete, paffis throw the fire, without ony harme or hurte, or quhen ony man dois carry and bear in his bare hand hoat burnand iron, without ony hurt of his hand, quhilk is called ferri candentis judicium. In the quhilk case, he was decerned to be Ordeil, or na waies participant of the crime. Utherwaies, gif his fute or hand was hurt be the fire, or hoate iron; he was condemned as participant and fowle of the crime. And fiklike, Purgatio per aquam, is quiten ony man suspect or accused of an exime, was casten in hoate or cauld water. And gif he passed to the bottome, without ony hurt of his bodiethe was decerated ordeil & innocent. Bot gif he did not falto the ground, bot did swimme abone; he was condemned as fowle of the crime; as is written in the auld laws of the Brittones. Verb Ordalium. And be cuited: written in the auld laws of the Brittones. Verb Ordalium. And be Cuiac, li. 2. de feud. Purgatio vulgaris, is dicharged be the Canon Law.c, diletti. extr. de purgatio vulgaris, is dicharged be the Canon Law.c, diletti. extr. de purgatione vulgaris. extrarum. 8. de purgat. canonica: And likewaies be the lawes of this realme it is forbidden as unleast. Ass. Pac. Dac. Stat. etiam. 30. In fine ubi pro fossam, lege aquam. Stat. Alex. c. Statuit Dominus 6. And be the law of God it is commanded, that nane sulde suffer their some or dauchter to go throw the fire. Deut. 18. 10.

MANELETA, Ane kinde of evil and Pesilent berbe, qubilk growes amangst the cornes, called Guld. de sudie, c. 7. The law of maneleta, or of the Guld. was first institute be King Kenneth, quha ordained that he quha throw his sault or nessigence, sufferis sawen lands to be filed with roovs sum herbess For the first sault, fall nay ane Oxe: for the second soule.

opina throw his fault or negligence, fufferis fawen lands to be filed with noyfum herbes: For the first fault, fall pay and Oxe; for the second fault, ten Oxen; and for the third fault, fall be removed fra the possession and laboring of the land. Hellor Boeting Lib. 10- And gif and mailer, or tennent, filis the land with guld, & will not clenge the famin, he may be punished as ane seducer, quha bringis, or convoyis ane armie within his maisters land, to wrack and destroy it. Leg. Forest. ca. Si nativis.28. his matters iand, to wrack and detroy it Leg-corpical and active trues) hes guld within the lande; For ilk flock or plant thereof, he full pay ane Mutton, as ane unlaw. Leg. Forest d.c.28. de ludic.c.27. The quhilk lawe, and constitution is keiped and observed, within certaine partes of this Realme; quhere the tennent fufferand the guld to grow amangit his corns.

payis ane wedder or scheipe, to his mailter.

MANERIUM, landes laboured with hand warke, quast manurium,

à manu. Ane mainnes, or domaine landes, Or terra dominicales: Because Terra
they are laboured and inhabited be the Lord, and proprietar of the nicale. famin, gif there betwa mainnes, perteining to ony man that is deceafed, the principal maines fuld not be divided; bot fuld remaine with his aire and fuccessour, without division; togidder with the principall messuage.

And full satisfaction suld be maid to his wife, or relief therefore, furth of the fecond mainnes, or utherwife. Lib. 2: cap. Dos autem. 19.de Iudic. cap.

MANSUS, Amanendo, ane habitation or dwelling place, speciallie quhair husband-men, labourers of the ground dwellis a landwart; to the effect they may labour their land mair commodiouslie. L. Si. plares, Na. effect they may labour their land mair commodiouslie. L. Si. plures, Nu. 9. C. de. condit. infertis. Molineus in Scill. cur. part. 3. c. 8.5. Bot Bartol. in l. Si ita. Nu. 10. de Aur. O argent. legat. affirmis, ane Manse to be als meikle lande, as may be guidlie tilled be twa oxen in the zeir. Cuiac. lib. 1 de feud. writtis, that mansus, is sa-meikle lande, quhairby ane man may suffeine honestlie himselse, and his familie, and pay the dewtie to his Maister, quhilkis called Haredium. Bot in the practicque of this realme, it is rather called Gleba; That is, ane certaine portion of arable lande. In Latine Terra culta: Octerra velutionativi venditi cum gleba b.e. terra, Qui va. Gleba. tivi ascriptivij vocamur. Lib: 2.c. Pluribus. 14. And the four aickers of land, quhilk is graunted to the Ministers of the Evangell, within this Lande, is called ane gleebe, the quhilk fuld be free fra payment of ony teindes. is called ane gleebe, the quhilk fuld be free fra payment of ony teindes. I.6.p. 5.c.62. And Carolus Magnus, to the effect, that the Ministers of the word of God, suld not perish be hunger or povertie, gave to ilk Kirk and manse. For the quhilk they fuld paye na dewtie or service. Chiac. Lib. 1.

MANUS Mortua, dimittere terras ad manum mortuam, hoc eff, ad multitu dinem seve universitasem, qua nunquam moritur. Qubisk utherwaies is called Mortificare terras: That is, to give and dispone landes,

Loy appari-Lex paribili.

Non ligius

to the hand or power of the Kirk, College, Communitie, or ony Univer to the hand or power of the Kirk, College, Communitie, or ony Universitie, capable to posseed, bruik, or joyis gudes or landes; The quhilk is saide per Antiphrasin, seu à contraio sensu. Because sik Kirks, Colleges, Communities, or universities, dois nocht die; albeit the particular members thereof ar mortall, alters, and deceasis. Ins Normand. Lib. 5,c.7. Quhilk is conforme to. L. Proponebatur. 76. sf. de judiciis. Swa Manus may signific power, as in the Latine toung. Or Manus mortua, may bee conforme to the Scottish word, borrowed fra the Dutch worde Meinzie, quhilk signifies ane multitude; and speciallie of solke and people. And swa dimittere nifies ane multitude; and speciallie of folke and people. And swa dimittere terras ad manum mortuam, it is to give landes to ony Universitie, and multitude of people. Alwaies it is not leasum to ony man to mortise ony part of his landes to the Kirk, without consent of the King. Lib. 2.c. Notandum. 26. Because the King may be thereby prejudged in his tennendrie, dewtie & service fra the quhilk the Kirk. men in auld time were excemed.

MARK, In trastatu de ponderibus on mensuris, signifies ane ounce weicht, or halse ane pound, quhairof the dram is the aucht part. Like as the ounce is the aucht parte of ane mark. Chessa. in Censuetud. Burgund-Rubric. 1.5.7. Verb. 65. soly Turnoys: folidus. (inquit) in jure capitur pro nureo, quorum. 72. faciunt libram auri. Et duodecim vacia faciunt Libram, of osto vacia marcam. Gl. on Ia. Fabr. in. 5. nos autem. verb. solidos. institude attil sutos.

MARCHETA, King Evenus did wickedlie ordaine, that the Lord or maitter of the ground, or Land, fuld have the first nicht of ilk maried woman within the samin. The quhilk ordinance, was after abrogate be king Malcolme the Third; quha ordained, that the Bride-groome sulde have the use of his awin wife. And therefore suld pay ane peece of money, called Marca. Hestor Boetius. lib. 3.c.12. For the quhilk, certaine Kye, was nsed to be payed Lib.4-cap. Sciendum.63. Bot utherwaies in my opinion, Mark, or March, significth ane horse: In the auld French, Irish, and Dutch tounges. For in the French toung, Marcher, is to ride, or gang; as Marcher devant, to ride or gang before. And Paulus diaconus. Histor. Longobard. writtis that Mar is called in Latine, Equa, quhilk wee call ane Meare. Alciatus de singulari certamine. c. 32. Marcam (inquit) Germani equam dicunt. unde Marcomanni (qui bodie dicuntur Moravi) equitatu pollentes powrittis that Mar is called in Latine, Equa, quhilk wee call ane Meare. Alciatus de singulari certamine. c. 32. Marcam (inquit) Germani equam dicunt. unde Marcomanni (qui hodie dicuntur Moravi) equitatu pollentes populi. Et Marcoduus Rex Mar comannorum, cui corpus instar equi eras. Mairover, I finde ane auld constitution written be Lotharius Imperator. Co Carolus Rex, in this manner: Vt missionisti, in illorum missatijs (h.e. commissari nostrii ni iis locis ad quos mittuntur) curam habeant, me homines nostri, aut alij quilibet, vicinos suos majores, vel minores, tempore astasis, quando ad herbam suos caballos mittunt: vel tempore Hyemis, quando Marescalli illos ad sodrum dirigum depradentur aut opprimat. Be the quhilk it is manifest, that sodrum, is a duch word, pro paubulo equoru, quhilk we call sodder, & marchaleus or mariscallus is a matter of stable, or a servand that hes cure of the horse for March signifies ane horse, and Schalk in Dutch, is ane servand, as Godschalk, the servand of God. And Alciatus. d.c. 32. Affirmis that the troupes of horse men, in the armie of Brennus, was called Trimarchisa, the troupes of horfe-men, in the armic of Brennus, was called Trimarchifia, because ilk man had three horse. And in the samin signification, we use the word, Horf-marichel: Quhair horfe is adjoyned, for interpretation of the word Marche. As likewaies in Silverdown hill: This word hill, is the the word Marche. As likewaies in Silverdown hill: This word hill, is the interpretation of the uther word Downe, quhairof the ane, and the uther fignifies anething. In Latine, Mons. Swa horfe-marfchel, is ane fervand that keipis or curis horfe, as is commonlie used within this Realme; Quhilk oppinion sindrie Germane writters confirmes, and speciallie the Scholiasses of Guntherus. Iib & Austriados. Swa leavand to ilk man his awin oppinion and judgement. free to himselfe: I think that Marcheta mulieris, is the raide of the woman, or the first carnall copulation and conjunction. ne raide of the woman, or the first carnall copulation and conjunction h her; quhilk in respect of her virginitie, is maist esteemed be n. Quhilk interpretation is confirmed alswa bee Cuiac. Lib. 1, de

men. Quhilk interpretation is confirmed allwa bee Chiac. Lib. 1. de feudi.

MARITAGIUM Heredis, The marriage of ane aire maill or femaill, quhilk is modified and liquidat be the Lords of the Session, to ane certaine summe of money, after consideration of the rentall, and valure of the lands perteining to the aire; quhilk is either legall, or conventionall. The mariage Legall, is that quhilk be disposition of the Law, perteinis to the superiour, and Over-lord. For the mariage of ane aire maill, or semail of landes halden be service of warde and relieve, being within lesse age, or being of persite age, and not maried the time of the decease of his stather, or uther predecession, to quhom he is aire, perteinis to his immediat superiour; be the commoun disposition of the law of this realme. And gif there be maa superioures, the marriage perteinis to the first, and eldest superiour, to quhom the predecessioners of the said aire, maid first leageance and homage: Or of quhom they have the first infesiment of their landes. Leg. Forest. salicui. 75. Mair-over, gif an air haldis certain lands be service of ward of the King immediatile: And certaine uther landes be the like maner of halding immediatile: And certaine uther landes be the like maner of halding immediatile: full perceine to the King allanerlie, without ony respect of the quantitie of the landes, or of the prioritie, or posterioritie of the hading: Because the King hes not ane peere or companion, far les ane superiour. quantitie of the landes, or of the prioritie, or posterioritie of the hading: Because the King hes not ane peere or companion, far les ane superiour within his realme. Lib. 2.c. Restituere. 44.c.45 Maritagium conventionale, is that quhilk cummis not be disposition of the law, bot be the convention and consent of parties: As quhen ony man hading his landes in blench, and the convention of the law, but he convention of the law, but he convention of the law, but he conventions and consent of parties and the convention of the law, but he conventions are the conventions. on and coment or parties: As duties only in a lands in ing maried, perteinisto his superiour, not be the nature of the halding of his landes, bot be the convention and provision conteined in his insingle and double availe gifthe superiour requires not ane airc, to marie, and the airc marie with the superiour requires not ane airc, to marie, and the airc marie with

out his confent : The superiour fuld obtaine allanerlie for his mariage, be the estimation of the ordinar judge, sa.meikle as may be ane competentsumme, or tocher to the said aire, conforme to his zeirlie rente: Or tentfumme, or tocher to the laid aire, conforme to his zeirlie rente: Or gif the aire refusisto marie, hee cannot be compelled to doe the famin; Quia matrimonia debent effe libera. Bot quhen he cummis to perfite age, he fall give to his superiour, als meikle as he micht have fra ony uther person for the samin marriage, before he receive his landes out of the hands of his superiour quia maritagium eius qui infra atatem est, de mero jure pertinet ad dominum feudi. leg Forest. e. Siquis 66. The double availe of the mariage of ane aire, perteinis to the superiour, quha makis ane lauchfull offer of ane partie, to the aire in mariage: Providing that the partie offered, be of causal parage. For gifthe superiour dois marie the aire, with one per of equal parage. For gifthe superiour dois marie the aire, with ony per-fone in disparage, as with ane burgesse man, or with ane villaine. Gif the fone in disparage, as with ane burgette man, or with ane villaine, out the aire, bee of the age of fourteene zeires, or mair, and givis his confent to the faide mariage; the famin is gude and valiable of the law. Bot gif the aire be within the age of fourteene zeires, quhair-throw he may noche give ane lauchfull confent to his marriage. In that cafe, gif his kinfman compleinis, the Over-lord fall tine and omit the warde; and all commoditie that he may have thereby, until the aire be of lauchfull age of twenty and the law of the conference of the law of the conference of the law of the conference of the law of tie ane zeires; Luhilk salbe converted and employed, be the sight of his friendes, to his use and commoditie be reason of the schame and dishonour done to him. Leg. Forest. c. Si qui domini 65 Quhilk is conforme to the Lawes of England. Hen. 3. stat. Merton. c. 6.c. 7. Swa gifthe Mariage of ony aire, or heretrix, be fallen in the superiours handes; and the aire of ony aire, or heretrix, be fallen in the superiours handes; and the aire beand lauchfullie required be the superiour, or his donatar, or be ony cled with their richt, to marie ony agreeable partie without disparage offered to him, results to do the same, and maries ony uther person, without the licence and consent of the superiour, or his donatar, He aucht, and fuld be reason of his contempt and dissolvedience, pay not only the single availe of his mariage; bot also the double thereof: That is, als meikle againe, as the single, be the modification of the judge, after the zeirlie rental, availe, and quantitie of the landes and living, perteining to the aire. And mair-over, in this case, be the auld law of this Realme, it is leasum to the superiour, to hald and reteine the landes, albeit the aire be of twentie ane zeires of age, untill he be completile satisfied of the saide dowble availe. Leg. Forest. ede heredibus 64. And it is to wit that the saide requisition, suld be maid in this manner. The superior, his donatar, or the assignay maid and constitute be the Donatar, or ony uther person, havand richt thereto; aucht, and suld be himself, or be his lauchful procuratour, havand special power in writ, to that effect; offer to the aire, person. and richt thereto; all this be minicily or be nistauchful procuratour, havand speciall power in writ, to that effect; offer to the aire, personallie apprehended, then being of lauchfull age for mariage, ane agreeable partie, expreemand the said personis name, and sur-name, without
disparage to him: Sick-like beand of lauchfull age, and convenient for
mariage, and require the said aire to solemnizat, & compleit the band
of matrimonie, in face of halie Kirk, with the person that is offered. mariage, and require the faid aire to folemnizat, & compleit the band of matrimonie, in face of halie Kirk, with the perfort that is offerred; And for compleiting thereof, assign and affixe an elauchfull daye; To wit, the space of threttie daies at the least to him to compleit the saming within ony Kirk, appoynted be the maker of the offers to that effect. And in the meane time of the said requisition, or before, or after the samin, the donatar, or ony uther assignay, havand richt and title of him, or of the superiour (for the superiour himselfe, needs nocht to mak ony intimation of his richt & title, he beand notourlie knawin to be superiour.) mation of hisricht & title, he beand notourlie knawin to be fuperiour) fuld make be himfelfe, or be his procuratour, intimation of the richt, and disposition maid to him; and schaw the same, and mak the samin patent, in presence of the said aire; and cause the samin to be read before him, or give or offer him ane copie thereof: To the effect, that he thereafter or give or ofter him and copie thereof: To the effect, that he thereafter may not pretend nor alleage ignorance there-anent. And thereafter the faid person, viz. The superiour, or ony uther cled with his richt, bee quhom, or in quhais name the said requisition and intimation was maid; aucht and suld personallie, or be his procuratour, compeir at the day, and kirk appoynted of before: Bringand with him the said partie offered, in proper person, reddie and willing to marie, quha was offered in mariage; And there in lauchfull time, before twelve houres of the day, offer him reddie to accomplish and fulfill that quhilk he offered, and required to be done of before. And to that effect, there remains cubil the red to be done of before. And to that effect, there remaine quhill the Sermone, or divine fervice be done, or quhill ane houre after noone. Sermone, or divine service be done, or quhill ane houre after noone. And gifthe aire compeiris nocht, or compeiris and refusis to marie; he suld take instrumentes thereupon, in the hands of ane sufficient Notar, of the refuse maid be the aire, or of his none-compearance; and the offer of the agreeable partie; togidder with the intimation foresaid; quhilk cannot be proven be witnesse, bot be writ. Pen. Feb. 1567. The Laird of Drumlangrig, contrair Marion Carrutheris. 21. Junij. 1575. The Laird of Glenberuie, contrait the Laird of Vdny.

MARITAGIUM Tocher gude. Lib. 2.c. dos autem 19. in fine.c. potests.

MARUS, and off

ane officiar, or executour of fummondes.I.1.p.9.c.111.p. MARUS, ane officiar, or executour of fummondes. I. 1. p. 9. c. 111. p. 13 c. 140 Vide Recordum. He is utherwaies called, Praco regis. Lib. 1. cap. cmm autem. 8. Quhair it is said, Quod die dominico vox praconis cesare debet becauss na summonds suld be execute upon ane Sunday. The Kings Maire is of ane greater power and authoritie, nor the messengers or officiares of armes, and speciallie in justice aires, and punishing of espassioners. Bot now the said office is given in see and heritage to Maires of see, quha knawis nocht their office: Bot are idle persones, and onely dois diligence in religious of their faces, from them, to suppose they doe no guide, nor

in taking up of their fees, from them, to quhome they doe na gude, nor fervice to the King.

MATERTERA, properlie is the Mother fifter, Quafi Mater altera. Bot fum-times improperlie it is taken for the Father fifter, in Latine Amita. For Lib.2.c. Deficientibus 34. Post Avunculum.b.e. patrumm einsque liberos, Materiera einsque liberi babens jus successionis.

Libra

legale.

The mariage perteins to the King.

And be the Law of this Realme, the bairnes descendand of the mother fither, hes na richt of succession: Quhilk in the awin place and degree. is competent to the bairnes borne of the Father sister; quhilk is manifelt. De judicib. e. heredum. 113.c. Item Nota. 115. Vbi expresse, Materiera dicitur esse Amita. vid. Aounculus.

MELLETUM, Medletum. lib.1.c.2. Ane French word, Melle, dissenti-

MELLETUM, Medietum, 110.1.c.2. And precion word, with an outher, firife, debate, as we faye, that and hes melled or tuilzied with an outher. And in the actes of Parliament. and practicque of this realme, "Chaud-mella is an efaulte or trefpaffe. quhilk is committed be ane hoate fuddainmetla is anctaulte or trelpaire. qualit is committed be ane hoate juddain-tic, and nocht of fet purpose, or precogitate malitia. Iam. 1.11. Mar. c. 51. And in Libro M. Willielmi Skene fratris mei, Commissarii Sancti An-drea, Fol. 121. It is written, that Flycht-vyt is libertie to hald courts, and take up the un-lawe pro melletis. Because Flycht, is called flyting; In French, melle, quhilk some times is conjoyned with hand-straikes. And in summe buikes Placitum de melletis, is called the Mute, or pley of beat-

ing or stricking. Lib. 1. c. 2.

MENETUM, Leg. Forest. c. 2. Ane stock horne. In the quhilk place, it is wrangeouslie written Cornare minutim, pro Cornare menetum, to blaw ane flock horne, quhilk commounlie is made of Timmer, wood, or tree, with circles and girds of the same, quhilk is zet used in the Hie-landes and Iles of this realme: quhair of I have seene the like in the Cuntrie of Helvetia, in the zeir of God, ane thousand, five hundreth, sextie aucht, amangft the Zaitzers

amangst the Zuirzers

MEREMIUM, muremium, The timmer of ane house. Lib. 4-c. Siguis 55. In the English Lawes, Carta de Foresta. It is called maremium.

And ane charter given be Jacobus Senescallus Scotia (king James the first, before his Fathers decease) To Thomas Browster, of the landes of Sacerland, beside Passay; now perteining heretablic to Masshew Steward of Barssube, conteinis potessatem incidendimeremium; That is licence and power to cutte sa meikle greene woodde in the Kingis Forest of Raise, as full be necessare to the said Thomas, to big houses to his awne use.

MESE Of Herring, conteinis five hundreth, for the commoun use of numeration, and telling of Herring, be reason of their greate multitude, is used be thousandes; And therefore ane Mese, comprehendis five hundreth, quhilk is the halse of ane thousand. From the Greek word Meson, In Latine medium.

MESSUAGIUM, Lib 2.c. Dos autem 19.c. Si quin plures 30. cum feqq. Ane principall dwelling place, or house within ane Barronnie, quhilk in the laws of England, is called Manour, ane hall, place, or court, ludge, or Manour house. Albeit Valentine Leigh, in his buik of surveying of lands affirm is messagium to be the tenement or lands arable, And the dwelling affirmis messium to be the tenement or lands arable, And the dwelling house or place, or Courte hall thereof, to be called Sit, from the Latine Situs: quhilk wee call the seate, or on-sette. And it is not leasum to give the principall messuage, to the wife within burgh, in life rent. Leg. Burg. c. Nullus. 107.

e. Nullus. 107.
MILITES, Leg. Male. Mak. c. 2. And generallie in the auld lawes of this realm, ar called free-halders, haldand their lands of barons in chief; quha hes na power to hald courts of life and lim: bot onely of injuries, wrang, and unlaw. Bot militare fervitium, Knichtes fervice, is that manner of halding of lands, quhilk is called, fervice of ward and relieve. Et miles opponitur Soccomanno, and he quha haldis his landes, Per militare

Forest. c. s. de judic. c. 40. Misericordia domini regis, or the Kingis merciment in purpresture. Lib 2 csp. dicitur. 75. vid. Forisfastum- vide A-

MOTE, Mure, pley, action, quarrell, Quhen King Malcolme the Second, gave all his landes to the Barrones of this realme; he reteined to himfelfe montem placini de Scona, The mute hill of Scone: quhair be micht hald his courtes, and do justice to his subjects, in deciding their pleyes, and controversies. Leg. Mal. Mak in prin. Mute in the Lawes of this realme is called placitum. And like as in the civil law, actiones ar di-vided in civill and criminall: Swa placitorum, aliud eff civile, aliud crimimale. Pleyes ar civill or criminall: Civill ar called actiones of injuries, wrang,

nale. Pleyes ar civill or criminall: Civill ar called actiones of injuries, wrang, and unlaw. Leg. Male. Mak. c. 2. And concernis pecuniall paines, or lands and heretage. Criminall pleyes, touchis life or lim, or capitall paines, called paine fanguinis. Lib. 1-c. 2.c. 3.

MORT-GAGE, moreuum vadium dicitur pignus, cujus fruitus, vel teditus percepti, in nullo fe acquietant. It is ane French word, fignifies ane deede wed, fik as ane certane fumme of filver, given upon landes in wed-fet, and under reversion; quhilk is called ane deede wed; Because be the auld law of this realm, the profit thereof: that is, the annual of the filver, is reckoned as ane part of the stock and principall summe. And therefore the faid stock is dead, without ony profite, as ane barren and dead tree, quhilk producis na fruit. Lib. 3.c. 4.c. 6. Contrair the commoun forme of a lieproducis na fruit. Lib. 3. c. 4. c.6. Contrair the commoun forme of alice mation of landes under reversion, dailie used within this realme, called pafrom de retro-vendendo, quhair be the annuell, is zeirlie payed, untill the redemption of the landes. At the quhilk time, the principall fumme fuld be likewaies compleatlie payed. And fwa baith the annuell, and the stock be likewaies compleatlie payed. And fwa baith the annuell, and the stock being payed, the profites are not reckoned in the stock, bot ilk ane of them ar severallie reckoned, and severally payed, sa-meikle for the profite, and sa-meikle for the principall summe. vide Vadium.

MULIERATUS Filius, is ane lauchfull sonce, gotten with ane lauchfull wise. Lib. 2.c. Si autem 22. Ex legitima muliere seu uxore, quia mulieris appellatione uxor continetur. L. Mulieris: 13. © ibi Gl. de verb. signif.

MURTHURUM, Lib. 1.c. 2.lib. 4.c.7. Quhairof sum is called, privat, that is mannis slauchter, quhairof the author is unknawin: Quhairof the inquisition perteinisto the crowner: As suben are person is found state.

inquisition perteinisto the crowner; Asquhen ane person is sound slaine; or drowned, in ony place or water. Uther is publick committed be forethocht-sellonie, Quia non debet murthrum adjudicari ubi infortunium intervenit: sed soum habeat murthrum, in intersectis per

feloniam: And swa murcher is committed be fore-thocht-selonie, and not feloniam: And swa murcher is committed be lore-thocht-selonic, and not be suddaintie, Chaud-mella, or information: That is, be chaunce or fortune. Leg. Male. Mak. cap. 2. And in the lawes of England. Anno 13. Edward: 2. cap. 1. Murther is quien only man be ane propensed malice, lyis in waite to slay ane uther man. And according to his malicious intent, slayis him. Molineus in still. Cur. Parl. part. 1. cap. 13. Conforme to the law of Normandie Lib. 12. cap. 1. Affirmis, that murther is different from simple slaughter. Because murther is committed wittinglie, and willinglie, he are cube of serverse late quiently in awaite for that effect. from simple slaughter. Because murther is committed wittinglie, and willinglie, be ane quha of set purpose lyis quietly in awaite for that effect.

And slaughter is committed without ony fore-thoucht-fellonie, upon ane haistic suddaintie, quhilk in Latine is Rina; And in French, Chand-mel-Rina. nantic juddaintie, quhilk in Latine is Rixa; And in French, Chand-mel-Rixa, la, In the quhilk place he writtis, that three crimes perteins to the high judice; willfull fire, ravishing of weemen, & murther. Bot be the law of this Plepes of the Realme, foure crimes ar called the foure pointes of the Crowne; wilfull fire, ravishing of weemen, murther, and robbetic or riefe: Because the jurisdiction, or cognition thereof, perteinis allanerlie to the King, and to nas fubject Spirituall, nor Temporall, except the samin be speciallie granted to him be the King, Lib.1. c. 2. leg. Malc. Mak. c. 4. lib. 4. cap. Dieluna. 13. as fres. Da. c. 1.

AMARE, Namos capere, to take ane poynd, or ane distresse. It is an eauld Saxon word: For Naman, in Latine Pignorari sive pignus auserse. And Namatio, signifies the taking of ane poynd. Leg. Britonum. verb. Pignorari. In the law of Normandie, Nami commountie signifies ony gudes or geare moveable. or un-moveable, taken for execution of ane decreet. Pignora capta, & bona capta pignori. ut in L. a Divo Pio, 15.ff. de re judicat. Be the laws of this realm, na poynd suld be taken, bot for ane consessed or proven debt. And the samin suld be publicklie schawin, and mais dmanifest to all passengers be the way, and to all parties following the samin. Lib.4. cap. Si quis namos 30. cam seqq. Na man may poynde within ane uther mannis boundes or purisdiction, bot for debt auchtand to him, except the Kingis Baillie be present. The poynd or distresse, fuld be consorme to the quantitie and valure of the debt. Na person may be poynded, bot the debtour, or his sovertie or pledge. The poynd suld remaine within the samin Barronnie, quhair it is taken, in ane place perteining to him, quha takis the samin, or at the least, in the nixt adjacent barronnie, within the samin Schiressed and not in Fortalices or Castelles. Stat. 2. Rob. Br. cap. Item ordinatum. 8. Curia de namo verito; that Stelles. Stat. 2. Rob. Br. cap. Isem ordinatum. 8. Curia de namo verito ; that is, of deforcement, be the auld Law, perteinisto the king allanerlie. De

Maritag. cap. Sciendum 17.

NATIVE, Borne flaves or fervandes, vide Bondagium.

NONE-ENTRES, Isquhen ane vaffall, veft and faifed in the fee and propertie of the landes deceafis, leavand behinde him ane aire, quha beand of lauchfull age, may enter to the landes, betaking of faifing thereof, and zit enters nocht. In the quhilk cafe, the landes arin the handes deceafis immediate functions. of, and zit enters nocht. In the quhilk case, the landes ar in the names and power of the immediate superiour, be reason of none-entresse. Prop-two is ter negligentiam baredis, jus summ non prosequentis. Stat. Rob. 3. Cap. No-of none-ta. 21. Mair-over, there is twa kinds of None-entres: The ane simple, tress. noch followend after ane warde, in the quhilk, the superiour of the Landes, until they be declared be decreete of ane ordinar judge, to be in None-entresse, suld have allaners the retoured mail thereof, conforme None-entreffe, fuld have allanerlie the retoured maill thereof, conforme to the new extent. And after the declaratour, the superiour may remove the tennentes, or occupie the landes, as he pleasis, induring the time of the None-entresse. The uther kinde of None-entresse, is that quhilk follow is after ane wairde: As quhen landes are halden be service of warde and relieve; and the aire is Minor, and may noth enter: The samin landes perteinis to the superiour, be reason of warde, and nocht of None-entresse. For quhair there is warde, there is na None-entresse, be reason the warde, sa long as it indures, stops the none-entresse. Bot quhen the warde expyris, togidder with the twa termes of the relieve; The None-entresse beginnis, gifthe aire beand of persite age, enteris nocht to the landes, and obteinis saising thereof. The quhilk None-The None-entrelle beginnis, gif the aire beand of perfite age, enteris nocht to the landes, and obteinis faifing thereof. The qubilk None-entrelle, requiris na declaratour, bot is of the like nature, with the warde preceidand. And induring the time thereof, the zeirly mailles and dev-ties of the landes, as they give be tack and affedation, perteinis to the su-periour; or he may remove the rennentes and possessioners therefra, and occupie the samin as he please, like as he micht do, in the time of the warde. Mair-over, this kinde of None-entrelle, beand given and dispon-ed be the King, or uther superiour, to the appearand aire himselse, or to ony uther person, is sufficient and valiable to the donatar; for all zeires and termes preceiding the gift and disposition, and three termes after the perfite age of the aire allanerlie. And endisand ceasis after the sichue & out-running of the faid three termes. Ind gif the aire enters nocht with-in the faid space! It is leasum to the King, or uther superiour, to dispone of new, the said none-entresse, to quhom he pleasis, to be used be him, unto the entrie of the lauchfull aire; as was decerned and ordained, be the Lordes, and Juditoures of the Checkers in the Moneth of Julij. 1596: the Lordes, and Auditoures of the Checker, in the Moneth of Julij. 1596:
And conforme thereto decided be the Lordes of the Seffion 9. Julij. 1597.
The Laird of Capringtonn, contrair the Laird of Heffilhead, quhilk is not disconforme to the Laws of the sews, quhair be the aire of the vaffal, not desirand investiture, or possession trahis superiour, within zeir and daye, after the decease of the vassal his predecessour, tines and forefaltis his sew, and the samin perteinisto his superiour. §. 1. Et ibi. Gl. qud temp. miles investitur, petere debent. lib. i de seud.

NOVA Dissassa, recent spuilzie or ejection. vid. Dissassa.

Ochiern, Ogetharius, Is an ename of dignitie; and of ane free-halder Stat-Alex. c. recordatio. 26. and appeiris to be of equal honor; and

and preheminence with the fon or daughter of ane Thane, quha baith hes the like Marcheta, viz, twa Kids, or twelve pennies. lib.4.c. ficendum 63. And likewise the Cro of ane Oye of ane Thane, & of an Ochiern is four Kye, lib.4.c. flatuir. 64. And the un-lawe quhilk the King may take fra ane Thane, is fex Kye, and from ane Ochiern, fifteene scheip, or fex schillings.

Aff. reg. Da. c. recordatio. 17.

ORA, and auld Saxon worde, and fignifies mertall, fik as braffe or golde: And mairover, in auld times it was ane piece of cunzide filver or golde. For res or a sure a, are the price of ane Cowe lib. 4.c. ficiendum 63. From this comes the worde zit commonly used, Vre, as leid Ure; and in the Garviach within the Schireff-dome of Aberdene, there is ane hill calthe Garviach within the Schirett-dome or Morraene, tiere halfured, hes led Dounyndure,, monticullus metalli: and the scheep there pastured, hes their teeth colloured with zellowe coulour, quhilk is ane taken of abun-

ORIGELLUM, quasi aurigellum, ane Habergion, maid of mailzies quhairot the edges are of mailzies of zellow coulor, resembland the coulour of golde or brasse. Stat z. Rob.B. c. ordinatum 27. quhair it is caled Habergellum. vid. Hambert.

OUT-FANG-THIEF, vid. Infang-thief.

PANNAGIUM Porcorum, and French worde, fignifies the deutie quhilk is given to the King, for the pattorage of Swine in his Forreftes, Leg. foreft. c. 5 6.8. As it is maniefelt in the lawes of England, in the rettes, Leg. forest. c., 5.0.8. As it is manietelt in the lawes of England, in the chartour of Forrestes, quhair Pannage, is called ane certaine summer of silver, quhilk the awner of ane Panke, or of some great wood, quhair-in there is great store and abundance of Maste, Aik, Betche, or uther trees, usis to take of his tennents or uthers, for their swine, that sall leed there, betuixt Michael-mes and Marsina-mes. Isem Pannagium, signifies ane paire of the Kingis demaine, or propertie, given to his second, or uther zounger sone, or cousing, quhair of Chopinus writes, de domanio regis Francia. But hereof no mention is maid in the lawes of this Realme-

PARTICATA, vel pertitata terra. From the French word perche, mel-PARTICATA, vel pertitata terra. From the French word perche, mel-leufed in the English lawes, aneruid of land. leg. burg. c. 1. e. partitata. 140. stat. Wilb. e. partitata, 13. quon. attach.e. de brevibus 31. It is of verity, that three beare cornes without tailes, set togidder in length, makis ane inche Of the quhilk cornes, an sulde betaken off the mid rig, an off the side of the rig, and an off the turrow. Twelve inches makis ane fute of mea-sure: Three sute and ane inche, makis ane Elne: Sex elnes lang, makis ane Fall: quhilk is the common lineal measure and metre. ane Fall: ouhilk is the common lineall measure and mette. ane rail: quinik is the common lineal meature and metre. And texe elnes lang, and fex elnes broad, maks an fquair & fuperficial fall, of meafured land. And it is to be understand, that ane rod, ane raip, ane lineal fall of measure, are all ane, and signifies ane thing, for ilk ane of them conteins fex elnes in length, albeit ane rod is ane staffe, or gade of tymmer, quhairwith land is measured, in latine persica. Ane raip is maid of towe, sik as hempt, or uther stuffe, and sa meikle lande, as in measuring falles under the rod, or raip, in length is called ane fall of measure, or ane lineal sall, because it is the measure of the line, and length allanerly. Likeas the superficial sal is the measure, baith of the length, & the bredth quia linea est mensura solius longitudinis, supersicies verò est mensura longi-sudinis, co latitudinis. Item, ten falles in length, and soure in bredth, makis ane ruid: sour ruid makis ane aiker. And swa ane discreet and true man, may measure ilk aiker of land, lang or schort, with rod or raip, be the measure of the fall. Swa that he keepe just count, and gud remembrance, that the endes of the rod, or raip, be richtly and eaven laide, without ance, that the endes of the fod, of rains, be richtly and eaven laide, without fraude or guyle. But it is necessary, that the measurers of land, called landimers, in latin, agrimensores, observe and keep, ane just relation, betwixt the length & the breadth of the measures, quhilk they use in measuring of lands, quhairanent I finde na mention in the lawes & register of this realme, albeit ane ordinance thereanent be maid be King Edward the first, King of England, the 33. zeir of his reigner and because the knawledge of this research were necessary in measures of lands. this mater is very necessare, in measuring of lands, dayly used in this realme. I thought gud to propone certains questions, to Iohn Naper, sear of Merchistoun, ane gentleman of singular judgement and learning, specially in Mathematicque sciences, The tenour quhairos, and his answeres maide thereto followis.

be quhat rule fall we understande the length and bredth of the fall ? It is answered : There is twa fortes of falles, the ane lineall the uther superficiall: the lineall fall, is ane met-wand, rod, or raip, of sex elnes ther superficialls the lineal stall, is an emet-wand, rod, or raip, of lex clies lang, quhairbe, length and bredth, are severally met. Ane superficiall stall of lande, is sa meikle boundis of landes, as squairly conteins ane lineall stall of bredth, and ane lineall fall of length, quhair of sollowis, that be the lineall stall, lande is research, and be the superficiall stall, lande is rekned. Now equhair it is inquired be quhat rule the length and bredth of ane stall stall be understand. I answer. That quhen-soever the elnes of bredth being multiplied be the close of length, do produce 36, elnes: the number product, is ane superficiall stall: and the saide bredth and length, that makis are fall. Swa 36, elnes lang, of ane the birth bredth and length that makis are fall. Swa 36, elnes lang, of ane the just bredth and length that makis ane fall. Swa 36, elnes lang, of ane elne broad, are ane fall of land. Item, auchteene elns lang, twa elnes broad, are the like: alfwa, twelve elnes lang, of three elnes broad. Or nine elnes lang of foure elnes broad, are ane fall. Lastly, sex elnes alwayis, that is to fay, sex elnes lang, and sex elnes broad, makis ane fall. To this fall the little ruid, or ruid of warke, or of buirdes, or of mailon, or sklait warke, is equal, quhilk is maift properly the ruid, as after followis. Secondly, how mony kindes of ruids are in use? Answer. Twa, quhair-

of the ane is proper, the uther improper. The ruid properly is ane super-ficiall fall, and conteinis threttie sex squair elnes: Ane squair elnes the boundes of ane elne in breadth; and ane elne in length, squarely in clufed. The uther vulgare and improper ruide of land, conteinis fourtie of thir former ruides, or superficiall fallis, and is the quarter of

ane siker of lande, because foure of thir ruides makis ane aiker as faide

Thirdly, be quhat rule may the just measure of ane aiker in length and breadth be understand? It is answered, Multiply be Arthmeticall multiplication, the number of the falles that are in the length of the land, be the number of fallis that are in the bredth thereof: Everie aucht-score be the number of fallis that are in the bredth thereof: Everie aucht-foore fallis of the number produced, and refulting of the faid multiplication, is ane aiker: and therefore aucht-foore fallis of length, and ane fall of bredth, makis ane aiker: and foure-foore fallis of length, and twa fallis of bredth, makis ane aiker. Item fourtie fallis of length, and foure fallis in bredth makis ane aiker. Alfwa twentie fallis in length, and aucht fallis in bredth, makis ane aiker. Laftly, ten fallis in bredth, and fextene fallis in

length makis ane aiker.

length makis ane aiker.

Fourthly, seing there is ane kinde, of measuring of land be Rod, and raip: quhat is the forme thereof? And gis there be ony maa forms, how are they called? and quhat is the forme and manner of the samin! It is answered. There be knawin to expert Mathematiciens, mony and divers wayes to mette land, all agreand togidder in ane, bot of the vulgar peolands, by ple there is bot ane forme of metting used and understand, to wit, be road and raip, that is to say, be ane rod or gade of sex elnes lang. Or be ane string or coard, of sex elnes lang, stented betwixt twa staves. The coarde being ane schalt length abone the pykes, or nether endes of the staves. The said rod or raip, or either of them, is called ane fall: to wit, the lineal fall storesaid. With these fallis, ilke square piece of lande, is met over the middis, quhat falles and elnes it hes of length- and thereafter is met crocefall forefaid. With these fallis, ilke square piece of lande, is met over the middis, quhat falles and elnes it hes of length- and thereafter is met croceover the middis, quhat fallis and elnes it hes of bredth. Thereafter the
fallis and elnes of the length on the ane pairt, and the fallis and elnes of
the breadth, on the uther pairt, are multiplied togidder, and the producte
schawis the number of the aikers, ruides, elnes, quhilk the said piece of
land conteins. As for example, gif the piece of land be 51. fall, three elnis
of length, and 10. fallis 2 elnis of bredth: multiply 51. fallis 3. elnis. or 51 the
fallis to be 10. fallis 2 elnis. Or be 10 the fallis; The product will amount to 532 fallis: Or 532, fallis, 6. elnis: quhairof every aucht-score fallis, ar ane aiker. Swa 532, fallis 6. elnis, are three aikers and ane quarter, 12, fallis, & 6. elnis of met land.

PATRIA, Asifa, vel recognitio per affifam, Ane Affise or inquest of cuntrie men, quhilk is called recognitio patria. lib. 3.c. cum autem. 6. vid

PEDELLUS, Leg. burg. e. citatio. 109. The ferjand or beddle of the burgh, quha fuld execute furnmendes: make attachementes, or take poindes. quon attache. nullus 57. quhairof they have na power, without poindes. quon atrache. nullus 57. quhairot they nave na power, without their awin juridiction. Aff. reg. Da.c. nullus 13. Dicitur autem pedellus a pedoboc eft baculo, because all sik serjandes suld use ane wand, staff, halbert. 12. 1.p. 6.c. 99.

PEDE- pulverofus, ane French word pied puldreux, dustie-sute, or an vagabound, speciallie ane merchand, or cremar, quha hes na certaine dwel- Pedditing place, quhàir the dust may be dicht sra his seet, or schone, de Maritag. c., st quis. 9, leg. burg. c si burgensis. 141, de judic. c. 47. To quhom Justice suld be summarlie ministred, within three flowinges, and ebbings of the sea. Ane pedder, is called an emerchand, or cremar, quha beirs ane pack, or creame upon his bak, quha are called beirares of the puddill be the Scottefmen in the realme of Polonia. quhairof I faw ane great multitude in the

win of Cracevia. auno Dom. 1569.
PENSION, ane dewtie, fik as ane annuel-rent, for that quhilk in the PENSION, ane dewtie, sik as ane annuel-rent, for that quhilk in the act of Parliament, Ia. 2.p. 11.c. 41, Is called the pension of Cadzow: In the Checker rolles is called the annuel-rent of Cadzow. And sikhik in the Pension of Samin place mention is mad of the pension of the ferme meil of Kirk patrik, Cadasw, quhilk conteins five chalder of ait-meill, quhilk the Abbot, and con-Kirk pan vent of Paislay payis zeirlie furth of the kirk of Kirk-patrik to the K. as an pairt of his annexed propertie, as is manifest in the Schireffe rolles of the Checker of K. Ia. 3. 1487. In libris seudorum, Soldata is an zeirly frie gift & donation, induring the lifetime of the giver, & is swa called, a soldata, quia plarumque in soldorum donatione consistit. §. 1. quis dicatur marchio, lib. 1. de seud.

PLACITUM, From the French word, Plaider, pley, contention, strife, or debate. Placitare, significat litigare & causas agere. Molineus in stil. su-played

PLACITUM, From the French word, Plaider, pley, contention, strife, or debate. Placitare, significat litigare & causas agere. Molineus in stil. suprem. cur. par. Part. 1.c.6. part. 2.c. 3. Et D. Smith. lib. 2.c. 10. Of the commoun weil of England. Vid, Mote. Placita corona, pleyes, or criminall actiones perteining to the Kingis Crowne and jurisdiction allanerlie, or to his justice generall, quhilkis ar source in number, robberie. or riefe: ravishing or deforcing of weemen: murther, and wilfull fire, sik as burning of houses wisfullie, and maliciouslie, vid. Murthrum. Quhairof, or of ony ane of them, gif ony happenisto bee convict, all his gudes perteinis to the King allanerly, in the samin manner, as is statute of the gudes of traitoures. Leg. Mal., Mak. cap. 3.

Leg. Mak. cap.3.

PLEGIUS, ane pledge borgh, or cautioner, dimittere terras ad plegium; To let landes to borgh, is quhen ony controversic, being for the position of landes; the samin after inquisition, and tryall taken there-anent given and committed to the last lauchfull possession of the samin lands, under borgh and caution; that he samin lands, or company and committed to the last lauchfull possession to him, quha fall have been gickt thereto samin lands. under borgh and caution, that he fall reftore the famin to him, quia fail be found to have richt thereto. In. 2.p. 14.c.62. Or quhen twa persones contendis be way of deede and armes, for the possession of ony landes, The superiour thereof, may recognose, or take to himselfe, the possession of the lands, untill it be tryed, quha was last lauchfull possession thereof; And then let the lands to him to borgh, and under caution, as said is. Stat. Ro. 3.c., Nota. 21, Item, the 12-No. 1500. Certaine corns grow and upon debarable lands, betuixt the L. Ruthven, and the Laird of Copenalisadie, be debarate of the lorder are levin to borgh to the said laird, be find and cautidecreit of the lordes, are lettin to borgh to the faid laird, he findand caution that the famin falbe furth cummand to them, quha recoveris the famin be law, without prejudice of the richt of onie of the parties theiranent in time cumming. And likeas the over-lord, or judge for the caufes

Vrz.

Ruid.

ad plegis

furata.

forefaid, lettis landes to borgh, to the possession thereof, the tennent or possession, petit terras demitti ad plegium, desires the lands to be letten to him to borgh, or under caution. Stat. Rob. 3.c.4.

PORTEOUS, portuis. la.1.p.13.c.139.la.3.p.1.4.c.99.la.5.p. 3.c.5. a portando, quhilk signifies to carie, or beire: in French portes vous, and signifies ane catalogue, contenand the names of the persones indired to the justice air, quhilk is given and delivered be the justice Clerk, to the Crowner, to be attached, and arrestited be him, to compeire, and answere, to sike accusationes and crimes. as falbe impure unto them, and the porteous accufationes and crimes, as falbe impute unto them, and the porteous conteins the names of them quha ar of new indited, and the names of them quha were indited of auld and of before, and compeired not: And quhen onie justice aire is cried, or proclaimed, command is given be the justice to warne all persones, alsweill indited of auld, as of new, to compeire in the faid aire, to underlie the law. The Crowner receivis the porteous as the faid aire, to underlie the law. The Crowner receivis the porteous as faid is, and caries the famin with him, untill the attachements and arreiftments be maid, conforme thereto, and reportes the famin againe to
the Justice court: That their by he may be controlled in execution of his office, fa far as concernes the making of attachements and arreistments ation thireof.

or probation thireof.
POST-NATUS filius, ane second sonne, narrest to the first begotten, conforme to the French word, lepuis ai fut lib. 2. c. stergo. 23. c. praterea.
25. c. maritus 32. l'ai fut, is the first borne sonne, and therefore le puis

aise is post primo-genium, the second sonne.

PRISÆ, and French word prinses, in latine captiones, sik as and poynd, distres, or moveable gudes, taken for execution of and decreit: for be the lawes of France, prifa funt rerum mobilium : fasina verd immobilium, the lawes of France, prija junt rerum mobilium: Jajina vero immobilium, quia bona immobilia non capiuntur, fed faifuntur Rebuffus in conflitut. Reg.in traft, de liter, obli. art. 5, gl. 2. & de praconum licitationibus art. 1 gl. 2. Quhairanent I find ane ordinance maid de modo capiendi prifas, be King David 2. 18 Februar 1369. the 40. zeire of his reigne. Prifa feu be King David 2. 18 Februar 1369. the 40. zeire of his reigne. Prifa feu captiones domini regis, persolventur & capientur, secundum consuetudines amiquitus approbatas, & de terris illis de quibus prisa regis, & servitia debent sumi, & quod in its saciendis non set taxatio juxta numerum davatarum, sed secendum verum valorem bonorum.

PROPORCITAS, proportatio assis, the proport, report, declaration, ordeliverance of ane assis set. Alexand. c. statuit dominus, 5. quon. attath c- si quis appelles, 53. assis, reg. D. c. 9. c. statuit dominus, 38. Utherwise, it is called, veredittum assis, the verdict or suthfaving of ane assis.

Because the assis of the content o

Because the affisours are sworne to declare the trueth faying of ane affife.

faying of ane assisted because the assisted worne to declare the truth and veritie, and therefore are called Juratores. Like as the assisted is called Jurator, or Jurata patria, five vicineti, lib. 2. c. dicitur. 74. And in the English lawes, and Jurie.

PURPRESTURE, Purprision, and French word, for ane wrangeous usurpation, taking, or occupation of ane uther mans landes, quhairof there is three kindes, Lib. 2, c. dicitur. 74. de judicib. c. purpressura, c. 138. The first is, quhen any man occupies unjustly ony pairt of the Kingis domaine, and proper landes. Or quhen ony stoppis, or closs up the Kingis common way, passing or streete: Or returns or divertis rinhand waters fra their richt course: Or within the Kingis towne and burgh, occupies fra their richt courfe: Or within the Kingis towne and burgh, occupies the Kingis calfay, or commoun gaire, biggand upon onie paint thereof: Or remove and onie thing there-fra: Or converting onie paint thereof to his awin use. And generally, quhen onie wrangeous occupation is maid to the hurt and skaith of the Kingis tenement, the Kingis treet, or common way: Or of the Kingis Burgh. The quhilk kinde of Purpreflure suld be decided before the Kings justice and his deputes, be ane condigne assisted. And he quha is convict thereof, salbe in the kingis mercie, and punished conform to his will in his bodie, and in all his lands quhilk he halds of him: conform to his will in his bodie, and in all his lands quinik he halds of him; and mair-over fall reftore that quhilk he injuftly bigged and occupied. The fecond kinde is, quhen onic vaffall occupies, and ufurps any lands againft his over-lord, uther then the King. Quhilk controvertie may be decided be the over-lord in his awin court, and gif the vaffall is convict to against his over-lord, uther then the King. Quhilk controverue may be decided be the over-lord in his awin court, and gif the vassall is convict to have done wrang, he tynis perpetuallic all the landes quhilk he hald is of that superiour. The quhilk jurisdiction and power of halding of courtes of Purprisson, perteins to ane Barron, and to uthers, quha are abone him in power and dignity, sik as Earls and Lords. For na vassall, subject, nor uther tennent under ane Barron, hes power to hald sik courts. In 3, 10, 10, 2, 79. The third kind of purpressure, is against ony uther except the King and the superiour: As betuix nichtbor and nichtbor, subject and subject: quhen ane wrangeoussie occupies the lande perteining to aneuther, or troublis him in his meiths. and marches bor, subject and subject: quiten ane wrangeoussie occupies the lande perteining to aneuther, or troublis him in his meithis, and marches: quilik molestation perteins to the Schirest, to be tried before him, be ane brieve, de nova dissassination, or de rationabilibus divisis. Be the law of England. an. 4. Edward. 1. de bigamis c. 4. gif onie usurpis, and occupies within the Kingisliberty, or ony uther place, contrain the King: Incontinent without process or ordour of law, the King tulk the land in his awin hand, and thereafter it was leifum to ony person, havand entres to compleine thereanent, The like forme is permitted be the lawes of this realme, anent the Kingis customes. Ja. 1. p. 1. c. 8. And his annexed prorrie. Jd. 2.p. 11.c.41.
PUTAGIUM, ane French word, huiredome or fornication, lib. 2.c.

in cuffodis. 50. c. ult. 53. Quhair it is manifeft, that ane air femail, being within warde, and of les aige, and committand fornication, tynis and forefaults her pairt of the heritage, and the famin accrescis, and perteinis to the reft of the co-heirs, or comportiones, gif onie be. And gif their be an here-trix allanerly, quha committs the faid fault, all and haill her heritage, per-teinis to the superiour: But gif an heretrix of lands, hes bairnes lauchfully gotten in marriage: and after the decease of her husband, in the time of her viduitie, committis fornication: neither sche nor her bairnes, tynis the heretage. Quia putagium matris non adimit hereditatem; The huire-dome committed be the mother, dois nocht disherish the lauchsull

bairnes.

QUARENTENA viduarum, in the statutes Rob. 3. c. de viduù. 22.

from the French la quares me des vesues, signifies the priviledge of fourtie daies, granted to widdowes, after the decease of their husbandes, conforme to the Lawes of England, anno 20. Henr. 3. c. 1. Quhajr it is statute anent widdowes, quha after the death of their husbands may nocht have the dowrie, without pley: That quha-soever desorcis them of their said dowries, of the landes quhairin their husbandes died vest and saised, and it sall happen the said widdowes to recover the samin their after be pley or proces: They quha troubled and molested them, being convict of sik wrangeous deforcement, sall zeild and pay the damnages and skaith, to the samin widdowes. That is to say, the valour of the haill dowrie belanging to them, from the time of the death of their husbandes, unto the day that the saides widdowes, obteinis decreit in judgmente. And the said desorceres nevertheles salbe amerciat, at the Kingis pleasure. In the quhilk place it is plaine, that Quarentena viduarum, conteines the space of sourtie daies: during the quhilk space, ane widdowe may taric and remaine in the chiefe dwelling place of her husband, untill her dowrie be assigned to her, and in the meane time suld be sufferined upon the profities of the heritage. As it is likewaies written in magna carta, anno. 9. Henr. 3. c. 7. quhilk is conform to the laws of France, as writis Joan. Papon in his arreistes. lib. 15, Tit. des dots. c. 7. & lib. 10. tis. substitutiones. c. 30. per authenticam praterea, C. unde vir or uxor, and in the Burrow lawes of this Realme, the second, or third wise of ony Burges, after the decease of hir husband, may nocht remaine in the hous perteining to his aire gotten of ane uther wise, bot onelie fourtie dayes. leg. barg. c. si burgens duss. 25.

QUHATECUS, ane kinde or forme of bread, quhilk wee call ane sage, or phage, from the greeke word phage, comedo to eate. UARENTENA viduarum, in the statutes Rob. 3. c. de viduis. 22.

RACHETUM ane French word, Rachapt, ane ranson; in sum buikes Rit is called Rechatum, transpositis literis. Stat. 1. Rob. Br. c. 1. Stat. 2. Rob. Br. c. 7. quhair it is called thieft-bote: and in sum auld buikes Rachatum is called thieft-bote or redemtion taken for thievis, robbers, or uther malefactours.

uther malefactours.

RAPTUS, rape, ravishing or deforceing of weemen, quhilk is ane of the four points or pleyes perteining to the Kings Crown, & to nane uthers. vid. placitum. vid. murthrum. Ravishing is an crime, quhairof ane woman accusis ane man alledgand she is oppressed, or defiled be him, against the Kingespeace. lib. 4. c. raptus 9. The quhilk complaint suide be maid the same day, and night, in the quhilk the crime is committed, quia laps diet boc crimen prascribitur. Quo. attacb. Cap. De catero. 48. Status. Wilb. c. Item. Status. 9. In the lawes of England Weston. 11. c. 34. Rape is quhair ane man ravishis, or takis ane uther mans wife, widdow, or maiden, violentile, and hesa doe with her against her will. And albeit she afterward consent, zit it is fellonie, quhilk is consistent be Chess. In consustand. Burgund. Rubric. 1. verb. Es droits d'icellis. Nu. 43.

REIF, or robberie, is likewaies ane of the toure pointes of the Crown.

gund. Rubric. 1. verb. Es droits d'icellis. Nu.43.

REIF, or robberie, is likewaies ane of the foure pointes of the Crown.

lib. 4. c. die lune. 13. leg. Malc. Mack.c. 4. aff. rez. Da.c. 1. Robberie is quhen
an man lyis by the Kings hie way, paffing to mercar Townes, in woodes,
ditches, or onic uther fecreit place, quhair people cummis furth by, and
robbis, & spuilzies them, albeit he take away bot the valour of ane pennie,
or lesse, it is felonie: for the mala-pertnes of the deed, breaking of the
Kings peace, and the danger in the quhilk ane man is of his life, causis the
offence to be the greater, then gif the gear swa robbed or spuilzied had bin
thiesteouslie stollen, as it is written in the lawes of England. an. 23. Hen. 3.
c. 1. In the law of Normandie. li. 3.c. 1. Robbery is the taking of uther mens
gear be force and violence: And the committers their of in latine are called raptores, in French voleurs, or Robbures, & is different from thest quhilk
is committed quietlie, and privilie, without violence. Mair-over reise is ru
ane greater crime then thiest, because reise is committed baith in the gudes, and
and in the person of the possessions. and in the person of the possession and thick is of the gudes and gear allanerlie, Ches. in consues. Burgund. rub. 1. §. 5. Be the law of this Realme, the complaint of reife or robberic suld be maid be him quha is

Realme, the complaint of reife or robberic suld be maid be him quha is robbed, and damnified within the like time, as is foresaid, of the raysshing of weemen. quo. attach. c. de catero. 48. lib. 4. c. raptus. 9.

RECOGNITION of landes is commonly used in the law, and practicque of this realme. Sicut feudum dicitur aperiri domino: ita terra dicuntur cadere in commission: ficuti sit in hoc casu ob culpam vassalli, or in Emphyseus. or sew landes, ob non folutum canonem seu pensionem. lib. 3. c ex locato. 11. For the vassall types landes halden be him be service of warde, be reason of his awin fault, as salbe hereaster exponed: and the proprietar of sew-landes, may type and for-sault the samin, for non-payment of the zeirly dutie. Cognoscere is to knaw and understand, recognoscere is to knaw again, or at the 2. time to understand. For generally, all superiors, of quborn lands at halden in chief, first hes bin proprietars of the samin lands: quhilk lands being annalied, and sauld be them heritably, to be ors, of quhom lands at halden in chief, first hes bin proprietars of the fa-min lands: quhilk lands being annalied, and fauld be them heritably, to be halden of themselves and their aires ceasis to be propertie to them: and becomes tennendrie immediately halding of them and their aires. And gif becomes tennengrie immediatly halding of them and their aires. And gif it happens the vaffall, or poffeffour, to quhom the landes are fauld, to commit ane fault or crime, quhairby he tynis and fore-faultis the landes: the fuperiour hes entreffe and regreffe to the propertie of the landes, and may recognosce the famin, and as it were the second time vindicate to himselfe the propertie thereof. Swa the samin landes, quhilk were first propertie to him, and thereafter tennendrie, be reason of the alternative of the same reason and the same reas nation, nowe becomes againe propertie, and returnis to their first nature and condition, sure accrescendi, seu posius consolidatione proprietatis cum superioritate, ob culpum vassali. Recognition properly in the G 2 practicque

and his landes be fervice of warde and relieve, fellis and annalies all and haill his landes with their pertinents, or the maift pairt thereof, without licence, confert, or confirmation of his over-lorde. In the qubilk caife, all and haill his landes, alfweill nocht annalied, as annalied, and halden as faid is, may be recognofeed and refailed in the superioures handes, and baith the propertie and possession theirof perteinis to to him to be bruiked, or adisposed be him, at his pleasure; quhairof to him to be bruiked, or diffoned be him, at his pleafure; quhairof divers and findrie practicques are extant in the Regifter in the daies of King James the Fourt, of gud memorie. The fuperiour understanding the landes to be wrangoussie annalied, as said is: incontinent theiratter may use the recognition theirof, & without proces, or ordour of law, may take saising of the samin, conforme to the auld practik of this realme: Because the samin alienation is done to his dishonour and contempt be his vassal, quha fuld do reverence, and service to him, & therefore without his content suld nocht do onie thing to dissolve the league and band, quhilk is betuixt them. Mairover the vassall, may nocht make the said alienation, because theirby, he may becum puir, annd unable to do to his superiour sik service, as he suld do of the law. Cuiac lib. 1. De feud. And nocht withstanding that the saising is taken be the superiour, zit the vassall or possession this nor forsaultis na waies the propertie of the feud. And nocht withstanding that the saising is taken be the superiour; zit the vassall or possession tinis nor forsaultis na waies the propertie of the saides landes, untill zeire and daie be out-run: Swa that he doe diligence within source daies after the said recognition, and taking of the saising, to crave and aske fra his superiour the saides landes to him to borgh, that is to repledge them, sindand pledge and caution, that he sail be reedie to do to his superiour anent the saides landes, all that equitie and lawe requiris. Stat. Rob. 3.c. 2. This kinde of recognition is conforme to the laws of the sewes, quia feudum amittitur. sifidelis libellario nomine, amplius medictate in seudum dederit, aut pro pignore plus medictate obligaverit. S. 1. quib. mod. seudum amittatur, S. 1. de alienatione seudi. Et in jure Canonico.c. 2. 5 ibi. gl. extr. de feud. Porro libellarius contractus dictur, venditio, qua sit scriptura interveniente, certo pretio, 5 certa pensione convenditio, qua fit scriptura interveniente, certo pretio, & certa pensione con-stituta, in annos singulos, ut post Feudistas scribit Cuiac in d, S. 1. Recognifittud, in annot fingulos, ut post remarkas fertile chiat in a. 3.1. Accogni-tion of landes is sum times generallic taken monie waies. Stat. Rob 3.c. nota quodisse. 21. First gifthe vassall deceasis the superiour may re-cognosce, and reteine all the landes halden of him untill they be re-covered fra him be the entresse of the righteous aire, and that be rea-

fon of none-entres.

fon of none-entres.

2 After that the aire hes recovered the landes, furth of the handes of his superiour: Nevertheles the superiour may recognosce, and reteine the samin, until securitie be maid to him for payment of the relieve.

3 Gif the vassall is sugitive for slauchter, and nocht law bidand, the superiour may recognosce the land halden of himselfe, sa lang as the selon or manslayer happenis to live. Consorme to the quhilk be the actes of Parliament, the lifetent of the vassal, being zeir & daie at the horn perteins to the immediat superiour, except he be rebell for treason, in the quhilk ease, his life-rent, & all his lands, gudes and geare moveable, & immoveable, perteinis to the King allamenie, Quia pama debet eidem applicari adversus quem committiur culpa.4. Gif the vassall annalies his landes, or the maist pairt thereof, without licence, consente, or consumation of his Overlord, The Overlord may recognosce the same, as said is. Bot in this case he is oblished to let the landes to borgh, to his vassall; askand, and cravand the samin within the lauchfull space of sourtie daies, after the recognition; and saising taken untill it be tryed be the judge Ordinar, reavand the lamin within the lauchtuil space of fourtie dates, after the recognition; and faifing taken untill it be tryed be the judge Ordinar, quhidder the cause of recognition be lauchfull or nocht, quhilk being founde lauchfull, the judge suld counsell the King, and decern ony uther superiour, to hald his handes fra the landes, and let them to borgh to his vassall. And gif the cause be found just and reasonable. The judge to his valiall. And git the cause be found just and reasonable; The judge suid decerne the propertie and possession of all and haill the landes, to perteine and remain with the superiour. S. Quhen twa or mair parties contendis be way of deede and armes, for the possession of landes, the superiour thereof may recognosce and sequestrat the samin, untill it be tryed, quhilk of them is lauchfull possession; and thereaster let the landes to borgh to him, quha is found to have best richt of the possession.

6 The superiour may recognosce and reteine landes halden of him in chiefe, for service aucht to him, furth of the samin landes. Bot be the practicour of this realmer. The service aucht to be proven and liquidate.

chiefe, for fervice aucht to him, furth of the famin lander. Bot be the practicque of this realme: The fervice aucht to be proven and liquidat, and thereafter the landes may be lauchfully comprifed.

7 Landes halden in fewferin, payand ane certaine zeirlie dewtie, Nomine feudi ferme, may be recognosced be the superiour, for none payment of the few dutie, & that twa manner of waies. The first, ex provisione legis, or natura contractus. For the sewfermorer not payand his fewferm, for his ingratitude and un-thankfulnes, tinis and fore-faltis his sewferm, be the disposition of the Law, quhilk as zit was not in practicque and use within this Realme. and use within this Realme.

The feconde is, ex provisione hominis, et conditionibus contractui in-fertis, quhilk is called ane clause irritant, as quhen ane clause and provi-Jertis, qubilk is called ane claule irritant, as quhen ane clause and provifion is conteined in the infestment, that is twa or maa termes run in ane
of non payment of the sew-ferm duetie: then and in that case, the infestment of tew-ferme to be irritum, null and of nanc availl, quhilk, is conforme to the dayly practicque of this realm, Quia putta conventa legem contrahentibus prascribunt vial. 1. et Tit. c. de jure emphyteu. Alwayse, be the
act of Parliament maid be 1a.6.p.15.C,246. Alienations of lands maid in
sew-ferm, are null for not navment of the sew-dustice hashs. few-ferm, are null for not payment of the fewe-dueties, be the space of twa zeires, albeit na paction or provision be maid thereanente in the in-

RECORDUM, Recordatio lib.1.c. contingit 31. quhair-anent I finde difficultie. Alwayes recorda fummonitionis, fignifies the rehearfe, report, or testification of the execution of the fummondes, brieve, or uther precept. In. 1. p. 9. c. 112. quhilk execution is now called Indorfation. Because commounly it is written in dorfo, and upon the backe of the fummondes,

leg. Forefl. c. 25 and be the practick and daylic confuetude of this Realme zit observed, the execution of all brieues before inferiour judges, and of all criminall funmondes before the three Estaires in Parliament, are verified in judgement, be the record of the executor theirof, and twa winnes at the least. And in auld times the serjandes, or maires, maid the record of the fummondes, be word, or be writ, as they pleafed: and verifi-ed the famin as faid is. And untill the famin were done, the defender could nocht be compelled to make ane answer. lib.1.c. cum autem. 8. de iudic.c. 50. And King David the second. 18. Febr. 1369. and of his reigne the fourtie zeire, statute and ordained annent the record of serjandes, or maires, that the summounds & record theirof, salbe put in wreit gif it please the serjand or mair, and he sal reade the samin gif he can, in plaine pleate the ferjand or mair, and he fal reade the famin gif he can, in plaine court Utherwaies, he may make the record be word: in the beft form he may, and gif he failzies, he may be helped and fupplied be interrogatoms of the judge, concerning all and fundrie clauses or artickles, necessarile used in the record of ane summondes, quhilk record the serjand or maire sail prieve sufficientile be lauchful witnes. And the said record being swa maid, the samin sabe receaved as lauchfull, and the contrair partie sail noch the heard, to object against the same, or to propone only exception against the lauchfulnes theirof: And it sail be leisum to the schireffe, his depute, serjand, mair of sec. or onic uther depute serving in the office of depute, ferjand, mair of fie, or onie uther depute ferving in the office of ane ferjand or mair, be the authoritie of the King, or of onie uther haveing power to make rehearfall of the summondes of the record or indorfation theirof, swa that they be qualified, and abill to doe the famin, Ia.

1.p.9. C.112.

ITEM, recordum curie, fignifies the report, rehearfall, or minute of that quhilk is done in court or the interloquutour of the courte lib.t. c. contingit. 31. Quo. attach.c. nullus fectator... 20: In the Normand law. li.9.c.31. vid. Sectator vid Varda. quhilk in aud times was noch written written in parchement in the Checker Therefore they are called the rol-ment of court. As the Kinges rolles or rosuli, and the Clearke of Registar clericus rosulorum, in latine properlie volumina, quia involvuntur, e in fe quast retorquentur. And it is to wit that actiones and pleyes, are aither directive and from the beginning perfewed in ane court: or they cum fra an inferiour court, to ane superious per translationem. lib. 3.c. preteres. 16. as quhen ane pley or cause, is advocat from ane inferiour judge, to ane superiour: quhilks advocations at permitted and leisum to be maid to the Kings court allaners be the aud law of this Realmen, fik as the judge. Kinges court allanerlie, be the auld law of this Realme, fik as the justice courte, or schiref courte: and nowe be the practik used, and observed, to Lords of Session, and College of Iustice. In second, and could be quba alleged that wrang was done to him in the inseriour courte, raised the record, or interloquator pronunced against him, and summound the judge to compeire before the Kingis Justice, or schires, to heare and see him decerned to have done wrang. Therefore sala curia domini regis, dicitur babere recordum. h. e. Potessatem cognoscendi de recordis & interloquatorijs, qua transferuntur ab inferiore curia ad superiorem. Albeit ilk lauchfull court, sik as ane Barrone court, hes their awin recordes, in all sik actiones as are intended and decided before them, and nocht Advocate to ane superiore under.

as are intended and decided before them, and noth Advocate to ane fuperiour judge.

REGRATERIS. leg. burg.cregratarij.70. Quha byisonie merchandice or uther thing, and takis unlefumlie greater price for the famin after-Dardannii. wards as is exponed be la.2.p.6.c.23.24, la.6.p.12.c.148. In the civill law, regrateris are called dardanarij qui emunt, vt possint postea pluris wendere.l. annonam.6. de var. & extraord. crim. A quodam Dardano, qui annonam slagellabat. Alciat lib.4. de verborum significatione. And swa regrateris are forestallaris are properlie they quha pre-occupies and byes merchandes before it cume to the mercat, or to the stall, or place quhair it suld be sauld, or the time of day statute and ordained theirto. la.5. p.4. c. 20. And mairor the time of day statute and ordained theirto. Ia. 5. p.4. c. 20. And mair over it is statute that na man dwelland within burgh, or without the saover it is statute that na man dwelland within burgh, or without the famin, fall upon the Faire daie, bye onic thing outwith the portes of the burgh leg. burg. c. nullus. 75. And likewaies na person suld bye sish, flesh, victuall. or onic uther thing before mercat day, or the ringing of the bell in the steipell. Stat. gild.c. 29. And mairover sortallers are challenged, and accused because they sell their gudes, and payis nocht the Kinges custome: that they sell their gudes privatlie upon their awin fluire, that they are sore-byars of quhear, beare, aits, cattel, & are coperis and sellers their of, turnand the samin in merchandice. leg. burg. c. de modo calumniand storillallatores. 154. ristallatores. 154.

RELEUIUM ane French word, from the latine relevare, to relieve, or to take up that quhilk is fallen, for it is given be the tennent or vassall being of perfite age, after the expiring of the warde to his overlord, of quhome he haldes his landes be knicht service, that is be warde eve, and be payment thereof he relievis, and as it were railis up againe his landes, after that they were fallen downe in his superioures hands, be reason of waird. lib. 2.c. dictiur autem. 72. leg. Forest. c. si quis Comes 73. de judic 65. And the profites of the landes of the zeire foreslaid, after the end of the waird, quhilk suld be given in name of relieve, are understande to be the retoured maill of the saides landes, conforme to the new extent thereof. And therefore gif there be bot onelie wairde, and enter before ane terme run thereafter, the King or uther superiour suld have na relieve-quia harede ad ataté perveniente, et fasta ei haredi-tatis restitutione, quietus erit a releuid ratione cussodia. lib. 2. c. tandem 70.

Be the auld law and consuetude of this Realme, the superiour micht nocht bee compelled after the waird, to restore the landes to his vassall, untill he had been first satisfied for the relieve: because he had libertie to reteine the landes, until the faid fatisfaction were maid.

Stat. Rob.3-c. nota quod ise 21. Or else it was lesum to him as he pleased, to poynd the ground therefore quia dominus potest distringere tenentes such

Classe irri-

Libellarins

pro fuo relevio, & fervitio de feudo fuo, sibi debito, li. 2.e. Sum quidam. 73. But now be the common practicque, the non-payment of the relieve, is na lauchful excusation to the superiour, anent the receiving of his vasfall. But he will be compelled be precepts of the Chancellarie, to receive his tennente, or else he typis the superioritie, induring his life-time. And it is leasum to him to poynde the ground for payment of the relieve. Quid relevium est debitum reale, & adheret sundo. The beginning, and the relevium est debitum reale, & adharet fundo. The beginning, and the faith infitution of the warde and relieve, was in the time of Malcolme the seconde, called Malcolme-Mac-Kenneth, quha gave all and haill the landes of this realme to the inhabitantes thereof, and reserved nathing to himfelse in propertie; but onlie his royal power and the Mure hill of Scone, of this realine to the inhabitances thereof, and referved nathing to him-felfein propertie; but onlie his royal power and the Mure hill of Scone, quhair he fuld hald Court, and receive homage, and fealtie of his vaf-falles: In recompensation quhairof, all the Barronnes gave unto him, the warde, and relieve of the aire of ilk barronne, for his princelie suf-tentation. In the English Lawes, read in Magna Carta. Anno. 9. Hen. cap. 2. And the statute of wards and relieves, maid be King Edward

REPLEGIARE, To replege, that is, quien ony man be vertue of hisawin jurisdiction, bringis back againe, or reducis to his awin court his awin man, fra ony uther mannis court, and leavis ane plege, or cautioner behinde him, for administration of justice. vid. Culrach. It is not leafum to ony man to replege fra ony uther court ony person, bor his awin liege man. or halding land of him, or remainand in his service, as ane of his familie or confanguinitie. Stat. Alex.e. Anno 4. Statur. 2. Rob. Br. cap.

his familie or contanguinitie. Stat. Mex.e. Anno 4. Statut. 2. Rob. Br. cap.
11. Aff. reg. Da.e. Statut. 37.

RESEANTISA, Lib. 1.e. Estoniorum. 10. Ane feiknesse and infirmitie, cultairby onic man is heavilie vexed. Essoniorum de Reseantisa, idem valet quod excusatio, de malo lesti, Bedde evill. Cum quis morbo ita assiligitur, ut si lecto assinus. In French, Mal. de Lit. stat. 1. Rob. Br. c. 5. In the Law of Normandie. Lib.9.c. 10. Effoirație, or exculation of Mal refeant, is quhen ony person lyand bed-fast în his awin house, or ony uther place, is heavilie vexed with seiknesse, that he may not travell without danger of his life. In vexed with letknette, that he may not travelt without danger of his hie. In jure civili morbus Sontieus dicitur, qui cujufque rei agenda, impedimento eff, veluti febris: Et legitimam excufationem ac dilationem probet. L. Quasitum 60. ff. de re Iudic. Aulus Gellim. Lib. 20. cap. i. Appellat Morbum Sonticum, quemlibet morbum vehementiorem, vim graviter nocendi haum Sonticum, quen

bum Sonticum, quemlibet morbum vehementiorem, vim graviter nocendi habentem.

RESPONDE, Or the buike of Responde. Ia.6.par.11.c.73. It is maid and written be the directour of the Chancellarie. For quben hee directis preceptes to the Schiresse, to give saissing of ony landes retoured before him to the Chancellarie: He makis ane memoriall of the dait of ilk precept, and dewrie of the lands; and commandis the Schiresse, to take securitie for the samin, during the time of the warde, and non-entres, and of the relieve auchtand to the King, gifthe lands be halden be service of ward and relieve. Or of the doubling of the sew-ferme, or of the blench ferme, according to the halding of the landes. Quhilk buike zeirlie is presented to the Checker: And ilke Schiresse, and uther judges, givers of sassings upon preceptes, direct furth of the Kingis Chancellarie, are charged there-with in their compres, compelled to make aunswere thereto, and payment of all summes conteined therein: for the quhilk cause, it is called Responde, quhilke is the first worde of ilke artickle of the said buik. Further in the end of the saidis preceptes, it is said, presentibus post proximum terminum minime valituris. And therefore, gif the obteiner of the precept surth of the Chancellarie, lye out and take noch saising upon the samin, quhill ane terme and maa be by-run after the dait thereof, he sulde come againe to the Chancellarie, and raise ane mew precept, quhairin is augmented the by-run mailles of the lands, sen the dait of the first precept, and ane new memoriall or Responde, is maide thereof.

PETOUR gubom be it is maid, and guby it is sa called and brease.

RETOUR, quhom be it is maid, and quhy it is fa called. vid. breve

RETOUR, quhom be it ismaid, and quhy it is fa called. vid. breve de morte antecesoris.

REGRES, from Regrediendo, like as
REVERSION, a revertiendo: For like as the buyar of landes, lettis them returne to the seller thereof, be the reversion given unto him. Even swa be the regresse of the superiour of landes wed-fet, be his vasfall, after the redemption thereof, suffers the first seller of the samin to come back again to his awin place, anent the halding of them as he did before the said alienation. Swa reversion and regresse are different, for reversion the same he him outhar buyis the lande. Sam passe de green trendendo, to the isgiven be him quha buyis the lande, Cum patto de restro-vendendo, to the annalier thereof. In French it is called, Jus reacheptus or reachept. And and regreffe is given be the superiour of landes, to the annalier thereof, quhairannalier thereof. In French it is called, the reacheptus or reachept. And and regreffe is given be the superiour of landes, to the annalier thereof, quhairby he promiss to receive againe him, or his aires to be his vassalles, as they were of before, quhen it sall happen ony of them to redeem the saids landes. 27. November 1567. George Halybarnton, contrare the Laird of Haltoun. And gif ony man annalies landes under reversion, to be halden of him and his aires, ane regresse is not necessary. For they being afterward redeemed, he quha sirst annalied them, recovers the property theirof, without ony new saising, and the same returnis to him, & is consolidat, with the superioritie quhilk he reserved to him and his aires, the time of the alienation. But gif ane man annalies landes to ane uther, under reversion to be halden of the superiour, and the byar thereby is denuded of the propertie, and sais ma langer vassall to his former superioure, and can na wayes recover his former estait, but be redemption of the landes, conforme to the reversion granted be him quha boucht them. And also be ane regresse, given to him be the superiour: In the quhilk caise it is necessare to him, quha sirste annalied the landes, and there-after redeemed them to take newe saissinge, To the effecte, the propertie quhilke was sirste annalied, may returne to the seller. And that he may halde the samin landes in chiefe of his superiour, and his aires, as he did before the alienation. And

it is generally to be observed, that quhaire ane regresse is required, ane new saising is necessare. In aude times, the reversion was conteined in the chartour, as is manifest be divers chartours, 2it extant in the regulter, given in the time of King David the second: contemand the remour of the reversion after the clause. Tenens. The babens. and uthers audie chartons.

new tailing is nocellare. In aulde times, the revertion was conteined in the chartour, as is manifeth be divers chartours, it it extant in the regiler, given in the time of King David the second: contentand the senour of the reversion after the clause. Tenens. & bakens. and uthers aulde chartours in the forme after following.

OMNIBUS boc seriptum visuris vel audituris. I. dominus de A. Salutem in domino. Noveritis me concessifie, impignorasse. & dimmobile vadum dimisselle. O boc presents serios in protein and continually the dimisselle. O boc presents serios and continual times and de A. cum pertinentis, in baronia de C. insta vicecomita. continual times B. provigini Marcis usualis monetas Seotica, mibi per predictium retum de B. provigini Marcis usualis monetas Seotica, mibi per predictium retum de B. provigini Marcis usualis monetas Seotica, mibi per predictium. Textifiir Y. tempore confectionis presentant and opus memo valde necessicarium. Textifiir y tempore confectionis presentant and publication serios de destruires automore manifer mutuatis. O in usua commoditatibus, libertatibus, o alimentis ac jussifii pertinuentis quibus commoditatibus, libertatibus, o alimentis ac jussifiis, libertus aut quiettus tenus, aut possedarus, aliquo tempore praterito. Es semper quous q; ego pradictus 1. baredes mei, vel mai assignatis, sin uno die inter jolis orium O occasium ejus sem, pud Abirdene in Ecclesia parochiali ejus sempore prasenta moneta, pradictus 1. baredes mei, vel mai assignatis, sin uno die inter jolis orium O occasium ejus sem, pud Abirdene in Ecclesia parochiali ejus sempore prasenta moneta, pradictus v. baredes sus vel segionatis, sin uno die inter jolis orium o occasium ejus sempore prateitus este propienatis, sevativ vel sevandit, undis se semmoditation seu empore prasenti ejus sevatore prasenti propienti marcarum, aut ejus solutione, nullarenus computandis. Una dedis, contessi, cui sevatore prasenti, sucu serva pradictus ventore prasenti sucu serva pradictus prasenti se prasenti se prateitus se prase

CACCARIUM, the Checker, in French Eschequier, the place quhair the Kingis rentes and patrimonie, alswell propertie, as casualities, is inbrocht, compted and received, and the profites of all landes fallen in the Kingis handes be reason of warde. Lib. 2.cap. Si verò dominus. 46. Some callis it the soveraigne and supreame court, in the quhilk all cansis & actiones are decided in the second instance, speciallie in the cuntrie of Normandie: For it is written in the lawe of Normandie. Lib. 15. c. 1. in fine. mandie: For it is written in the lawe of Normandie. Lib. 15. c. 1. in fine. That Philippus pulcher, did institute twa parliamentes in Paris, and twa Checkers in Roan. Paulus Himilius writes, Scaccarium to be as it were, Seatarium, quód homines ibi in Jure fistantur, vel quód sit Stataria & perennus curia, cum catera curia essenti indistiva, nec loco, nec tempore stata. As writes Budaus in Annotationibus in Pandellas. Be reason as said is the Checker was ane certaine stable course, and nocht deambulatoure, or runnand fra time to time, or fra ane place to ane uther: As the Session of this Realme was before King James the Fisth. Qui instituis Statarium curium cum anneà esse indistiva: Be reason it did six thrise in the zeise, quhair and quhen it pleased the King. Uthers thinkis, that Scaccarium is so called, à similitudine ludi Scacchorum: that is, the playe of the Chesse because mony persones conveenism the Checker to pleye their causes, contrare uthers, as gif they were sechtand in ane arrayed battell, quhilk is the forme and ordour of the said playe. Jus Normand. Lib. 19. cap. s. contrare uthers, as gif they were fechtand in ane arrayed battell, quhilk is the forme and ordour of the faid playe. Jus Normand. Lib. 19. cap. f. in fine. Uthersalleadgis, that it cummis fra ane aulde Saxon worde, Scata, as writis D. Thomas Smith: quhilk fignifies treasure, taxation, or imposte, quhairof, and of uther casualities, compt, and reckoning is maid in the Checker. Quhilke compte (like as all uther comptes) is maide in sik sorte and forme, that tabula accepti, that is, the charge, and tabula expens, that is the discharge, are quall, and fic aquè, because the compter hes given furth na mair, nor he hes received: and alswa hes given als meikle furth as he hes received. Quhilk is called pariane rasiones, and this compter is called Parianes. I. ult. S. idem questis de condist. indeb.

Pariane rall, penult. S. condustere de jure immunitat. Or els the charge and discharge are inequally in sik maners that the compter hes received mair nor he hes expended, and sa are the suce of the compte, he is found restand awand certain sums up-taken be him, and not given sure, quhilk is, reliquare rasiones, and this compter is called reliquator, and is oblished reliqua inferreto pay the rest auchtand be him, l. creditor 102. S. Valerius de rasiones.

Essentisa. Reseantisa.

Solutionibus. Or thirdly, tabula expensi superant tabulas accepti, quben folutionibus. Or thirdly, tabula expensi superant tabulas accepti, quhen the compter hes given surth nor he hes received, and swa is superexpended, quhilk is called Prosagram, b. e. supererogare, wel superare rationes sent abulas accepti. And the compter quha makis sik ane compt, is called Prosagrames. Quhilk word is used in the Evangell of S. Luk. c. 10. 35. quhair the Samaritane haveand pittle and compassion upon the man, quha betwixt serusalem and seriebo was spullzied, and wounded be thieves and robbers, did commit him to be cured be the hoste of his ludging, and gave him two pennies, and promised to recompense, quhatsumever he spended mair vid. Ballivus.

SACREBORGH, or rather Sickerborgh, securus plegius, ane sicker, sure, sufficient cautioner. quo attach in pris. la. 2.9.14.6.75. Is ane maner of borgh, or caution, quhilk ane findis to ane uther, and speciallie in actions, or pleyes; for quhen onic man hes action to an uther for thiest or slaugh-

dubairofhe en onie man hes action to an uther for thieft or flaugh or pleyes, for quien onie man hes action to an uther forthieft or flaughter, quhairof he offers to accuse him judicially, it behuiffes the persewar, to knit and oblish him, in the hands of ane officiar, or before ane judge competent: and find sure caution, and sicker borgh, that he sall persew in forme of Law. Mod.ten.cur.e.44.lib.4.c.1.Stat. Alex. c. 9. c. si quis conquessus. 10. In the civil law, the accuser in criminall causes cogitur inscribequestus. 10. In the civill law, the accuser in criminall causes cogitur inscribere nomen. 1.3. If de accusat. And conforme to the practick and law of this
Realme, the persewer quhan be raisis the letters, findes caution, to report
the samin againe, dewlie execute and indorsat. And also to persew at
ane certaine daie, conforme to the tenour of the letters. And moreovet
quhen he accuses ane uther criminallic, before the justice and his deputes,
he fuld sweate the dittay to be trew, quhairupon he accusis the defender,
botthe Kings advocat, accusand criminally, ony of the Kings lieges, is
as waies oblished to swear in this case.

SAK, lib. 1. 6.2. In sum and builtes it is called algoritum on control de

SAK, lib. 1, c.3. In fum auld buikes it is called placitum c SAK. lib 1, c.3. In fum auld buikes it is called placitum & emenda de stransgresssom bominum in curia nostra. In the Briston lawes of King Edward it is written Sacha, est st quilibes aliquem nomination de aliquo calumniatus suerit, & ille nagaverit, sorisfastura probationis vel negationis (st eventrit) sua erit. Quhilk may be called the unlaw or americament paied be him quha denies that thing, quhilk is proven against him to be trew, or affirmis that thing quhair of the contrar is of veritie.

SAISINA, ane French word saising or possession, vid. Dissaina. SCHAFFA sagittarum, ane schiese of arrowes, conteining twentie foure. Urberwais called gorba. Ane scheise of Irone, containes sexteene gades, ane scheise of stelle conteines sourcene gades, leg. navium, or schip lawes. c. 2.

SCHIREFF, ane principall ruler, or judge of ane certaine part of the Realme. In latine prafes provincia. Aluredus in the confederation maid with Guntherus king of Denmark, divided England in Satrapias, centurias, or decurias, and called Satrapias ane schire, That is ane cutting or section, as is written in the auld Britton lawes werb. centuria: like as we say as zit, scheire cornes, or scheire grasse, or an pair of scheirs, quhair with claith is cutted. And swa are schire, or schiref-dome, is an part of land, cutted and senarate be certaine pricishes and most dome, is an part of land, cutted and feparate be certaine meithes and marches from the reft, within the quhilk feparate be certaine meithes and marches from the reft, within the quhilk the schireffe, as judge, dois judice, and pronuncis decreites and doomes, to all the inhabitantes theirof. Quhilk is called comitatus, provincia, vel vice-comitatus, lib. 3. c. tali autem. 18. lib. 4. c. si quis 28. c. si quis in manibus. 42, schireffs in this realme hes their offices given to them be the King in heritage, contrair to the act of Parliament. Jam. 2. par. 11. Cap. 44. Quhilk is the cause of great enormities and wranges, be reason the Schireffes being infest heretablie, thinkis themselves sure of their office, and regairdis nocht the execution theirof. And to the effect that gude men may make conficience of their calling. (quhairof they sall make compt and reckoning to God, of all eyill committed, and of all gude omitted) And that uthers may be instructed of their dewtie, and ather mooved to doe the samin, or els be punished for neglecting theiros: 1 have collected and gathered may be instructed of their dewtie, and ather mooved to doe the famin, or els be punished for neglecting theiros: I have collected and gathered furth of the lawes of this Realme, ane schort rehearfall, and summe, of all thinges perteining to the office of ane Schireffe: And first of persones, sik as Schireffes, deputes, Clerks, and serjands. Secondlie, of Schireffe courres. Thirdlie, of his office, and jurisdiction, quhilk generallie consists, in observation and execution of all the Kinges lawes. And particularlie, in particular actiones and pleyes perteining to his jurisdiction and court. Subaiross summer of sum ar civill, uthers are criminall, and last of the paines and punishment of malitious, or negligent Schireffes.

of malitiour, or negligent Schireffes.

First, Schireffs suld be in all and sindrie partes throwout the haill realme, First, Schirefts stud be in all and lindrie partes throwout the haill realme, and speciallie in the North partes, and West partes of the samin, sik as the North Iles, and South Iles, for the acquieting of the peopill be justice: and in Rosse and Caithnes. Ia.4-par.6. Cap. 59. Cap.61. And to the effect they may the better exerce their office, and do justice to every person, as effect is, they fuld be gud, sufficient, and qualified men, as is statute be King David 2, 6. Novemb. 13 57. In ilk schireffdome they fuld do justice to the Kinges lieges, hauld courtes in lauchfull time, and continew the samin according to law. Swa as that Actiones and process. because and interpret before lieges, hauld courtes in lauchfull time, and continew the famin according to law, fiw as that Actiones and proces, begun and intented before them, fall na waies be delayed throw their negligence, fraud, or malice. Stat. Rob. 3. ex libro Sconens, and fuld doe juffice and full law, alswell to puire as to rich, under all paine and charge that may follow. Ia. 1, p. 2.c. 45. and briefske all Schireffes and uther ordinar ludges, their deputes and Clerkes, suld knaw and understand the lawes of this Realme, and acts of Parliament, outsit of the execution is committed to their charge. Parliament, quhairof the execution is committed to their charge, quhilk they ful d caufe be execute without delay. Ia.6.p. 12, c. 124. and fuld not onelie be qualified in judgement and knawledge, to minister justice, bot also suld have sufficientlie of their a win, in lands, gudes and gear, quhairin hey may be punished, being found culpable in execution of their office.

they may be punified, or his fee of the escheittes, ten pundes. Leg. Mal.

The schireff suld have for his fee of the escheittes, ten pundes. Leg. Mal.

Mak.e. 1. Quhilk see suld be payed to him of the extractes and escheittes of his awin courte; and na utherwise: but na fee suld be allowed to him of his awin courte; and na utherwise: but na fee suld be allowed to him antill fieft he make compt to the Checker of his intromittion. Aff reg.

Da. ex libro Sconensi. And under pretence of his see, he sulde take nathing, nor use onie extorsion upon them, quha cummis to faires, parliament, or generall councelles. Iam. 3. par. 5.6. 33. Nor sulde take na distresse of gudes and geare of little price and quantitie, cummand to the faires or mercattes. Alwayes he sulde haye the best Oxe, or Gowe, or unridden horse, quhilkis are stalled, or brought to be saude. Iames 2- parlia-

den horle, quhilkis are Italied, or brought to be faunde. James 2- parlia13. cap. 60-59.

All Schireffs fal! have gud and fufficient deputes, or baillies, for quhom Schireffdethey fall answere. And gif ony persone be inseste with sik office in aude putes and
time, and is un-able, or un-apt to use and exerce the samin in his awin their qualiproper persone: he sall present to the King, ane sufficient depute, to extic.
erce the said office in his place, for quhom he salbe answerable, as is statute be King Da. 2.6. Novemb. 1357, quhilk is confirmed be Jam. 1.9. 1.6.6.
And generallie it is trew, that ilk Scheriff, and other ordinar judge, salbe
helden on softers for their deputes. And generalite it is trew, that he scheril, and therefore lange, tabe halden to answer for their deputes, as themselves. Iam. 3. p. 5. c. 26. And therefore all Schirestes, and judges, for their awin better securitie, sude make their deputes and or maa, gude and wise substantious men, of best same, knawledge, understanding, and experience, and least suspect within the Schirest-dome, and suld cause them be sworne the time of their adthe Schiref dome, and fuld caufe them be fworne the time of their admirfion, that they fall leilly and truely use their office: and gif they continue them fra an zeir to ane uther: they sall cause them be zeirly sworn, for administration of justice, at the head court after Michaelmer. 1.5.p.6.

1. The

13.

5.

Schireff-Clerkes fuld be honest famous men, quha be themselves and their sufficient deputes, salbe alwaies resident, within the head burgh of the second of the schire, for registration of letters of horning, and better execution of their office. 1.6.p.6.c.75. Be the auld law of this realm, the Schireff Clerk was in-put, and out-put be the King: and had na league nor bande with the Schireff, but was bound and oblished to the King allanerlie, and was sufficient in his hienes house, as occasion and time required, and did all Clerks.

All reg. Da. in libr. Sconense.

The Schireff Clark.

The Schireff Clerk receivis for his fee of ilk amerciament or unlaw, twa hillings. leg. Mal. Mak.c.1. gif he fall happen to be found culpable in execution of his office, and specially anear the registration of letters of horning: he suld be punished of all his gudes moveable, to be applied to the Kings use, and the Schireff sall pay for the fault of his Clerk, ane hundreth poundes to the King, and all damnage and intereste of the partie grieved.

Jam. 6. p. 11. c. 71.

Schireffes suld send their deputes and Clerkes, ane or maa zeirlie, at the Depute in first day of November, to the Lordes of the Session, to be examined and Clerkes, admitted be them; under sik paines, as the Lordes sall please to modifie, in-case of failzie, to be imployed to our Soveraine Lordes use. Ja. 6. p.

in-case of failzie, to be imployed to our Soveraine Lordes use. Ja. 6. p. 11. c. 80. Ja. 6, p. 12. c. 124.

The Schireffs serjand, or officiar, suld have ane horne, and ane reide Serjand. 8. wand of three quarters of ane yairde lang at the least, and gif hee have nocht the samin, he suld be challenged therefore, be the Schireffe in head courtes, Ja. 1. p. 6. c.99. Quhairof the ane and the uther is necessar to him in the execution of his office, for with the sound or blast of the horne, he denuncis the disobedient rebelles: And also persewis malefactoures, quha are suggitive frathe Law, and raises the inhabitantes of the cuntrie, to concur and affist in taking and apprehending of them. And with the wand, he relaxes them quha returns to the Kingis obedience fra the horne, and receivis them to the Kingis peace, As I have said already in an uther place. Likewaies all schireffs, stewarts, and baillies sail cause the maires, serjands and officiars, have an esignet conteinand the 1. letter of their name, quhairwith all letters, and precepts extant be them, and in of their name, quhair with all letters, and precepts extant be them, and in-dorfations thereof, falbe marked and stamped. Ja. 5. p. 6. c. 74. The Schirefs ferjand fuld have for his fee of ilk amerciament or unlaw of court, ap

rets repaid that have for his fee of the anterchantent of unlaw of county, as colpindach, or threttie pennies, leg. Mals. Mack. c. 1.

It is lessum and necessar to the Schireff and his deputes, to halde schireffe courtes, for execution of his office. Quhilks courts ilk Schireffe be the auld law of this realme, is oblished to halde after the space of ilk fourtie daies. lib.4. cap. Statutum, 19.4 ff. reg. Da.c. as fummonitiones. 19. And now all Schireffes, Stewartes, and Baillies fuld hald three head courtes in the back of these in a party page 19. to halde fchi- court now all Schireftes, Stewartes, and Baillies fuld hald three head courtes in the zeire, be themselves in proper persone. Except they have just and lauchfull excuses of seiknes, or of the Kingis service. And all barrones and free halders, quha aw suit and presence in the saides courtes, sail compeire personallie. And the absence suid be amerciat, and all they quha aw bot suit allanersie, sail send their suittoures, honest and qualified men, present able to decide one action or cause. And all they quha cummis to the Courte, sail remaine until the samin be ended. And sail passe upon incompress and affise, and affist the Schireste doing their office, and strive. Courte, fall remaine untill the famin be ended. And fall paffe upon inquestes and affifes, and affift the Schiresse doing their office, and service, conforme to their insessences. Ja. 5.p.6.c.71. The Schiresse in his courte sall keipe and observe sik forme and ordour of proces, as is used before the Lordes of Councell, and Session. And he suld set his Court peremptoursie upon sisteen dayes, and all precepts direct be him to summond & warne the parties, suld be execute upon sisteen dayes. Iam. 1. par. 9. cap. 130. Iam. 5. par. 6. cap. 72. And gif the indwellers within the Schiressi-dom and royaltie thereof, competits nocht in sussicient number, or sendis nocht their attournayes, to passe upon serving of in-queits or retoures, swa that thereby the Schiressesses weake, and nocht weill stuffed. The Schiresse may warn the gentlemen of the regalitie, to comtoures, swa that thereby the Schiressecurit is weake, and nocht weill stuffed. The Schiresse may warn the gentlemen of the regalitie, to compeire and enforce his Court, but prejudice of their regalitie. Iam. 1. par. 9. cap. 130. Item, all Barrones, Knightes, free-halders, and stewardes of Bischoppes, of Abbotes, and of Earles, suid be present at the Schiressecourt, under the paine of the Kingis un-lawe. Lib. 4.c. statutum 19. Ass. reg. Da. c. ad summonitioner 19. All the saidis persones and others, quha comes to the courte, suide come in sober and quiet maner, with als monie persones. as they dayly essential in house-halde and samilie: and beand come to their ludgeing, they suide weare na weapones, but their knife, and

3. The Schi-

and gif ony of them dreadis bodily harme of ane uther s the schireffe fuld grant him law-burrowes. Ia, 2. p. 14.c. 33, and it is leasum to the schiref to charge all persones to cum to his court in sober maner, and gif they resulte to skaill their gadderinges, and convocation, he may stay or continue the court: and the persones disobedient, sal be punished be warding of their persones be the space of ane zeire; and be payment of the expensis and damnage susteined be the partie, throw delaie of justice. Ia. 3. p. 14.c. 104, And albeit all frichalders and uthers persones suld cum to court in quiet maner,, as said is. Nevertheles it is leasum to the schireffe, stewart bailly, and uthers the kinges officiars, to ride with greater number, for execution of justice, and surth setting of the Kingis authoritie. Ia. 5. p. 4.c. 27. The unlaw of the Schireffe in his court, suld not exceede the summe of 16, schillinges, and to his clerk 2. schillinges, and to his serjand an colpindach, or 30. pennies, leg. Male. Mack.c. 2.

territorie, 11. The Schireff fuld cause the lawes be pro-claimed and

13. The Schireff fuld be pre fent in all

16. He fuld not

bey unlaw full com-

. 16.

Jurisdidie The Schire hes na ju

dach, or 30. pennies, leg. Male. Mack. c. 2.

The jurisdiction of the Schireffe confifts and standis generallie in diverse and sindrie pointes. Bot first of all it is to wit that the schireffe his depure, and ferjand, hes na jurifdiction or power outwith the boundes of his awin febireffdome, to fumund or attache ony person, or to poynd or take ane destress of onie mans gudes and geare: for they suld make faith that they sall faithfullic serve the King, within their awin Schireffedom, and fal nocht trouble or moleft onic person within the samin, against law and reason. Ass. reg. Due e. mullus. 13 -quo assach.c. nullus. 57. Swa it is manifest, that the Schireff hesonlie jurisdiction, within his awin Schireffedome. Within the quhilk, he and his deputes suld cause the lawes & acts of Parliament to be published, red, and proclaimed in his courtes, and to of Parliament to be published, red, and proclaimed in his courtes, and to be keiped and observed be all our Soveraine Lordes lieges, alswell in the courtes of all Prelates, Erles, Barrones, and uthers have and power to hald court, as in his awin schireffe court, and suld give to them the copie of the lawes, that na man pretend justile ignorance thereof. Stat. 2 Rob.e. Robertus 28. And siklike in all burrowes of this realm, the schireff sall cause 12. leil and honest men of the burgh, sweare and make faith, that they sall cause the Kingis lawes be keiped and observed. Stat. Alex. c. Item in omni. 25. Stat. the effect the samin may be the better done be him, the acts of Parlia. & to the effect the famin may be the better done be him, the acts of Parlia-ment being registrat, suld be delivered be the Clerk of the Register to him: quhilk he fall cause be proclaimed oppenlie, in chiefe place of the him: quhilk he fail caute be proclaimed oppenie, in chiefe place of the fchireffdome, and fuld give copies of them to prelates, barrones, & burrows within his fchireffdome upon the expenses of the asker, & fuld cause all indwellers within his schireffdome baith to land and to burgh, to keipe and observe the said lawes and statutes, under the paine of deprivation of his office Ia, 1.p. 3 c.67. Ia.2 pr 14. c.90. And likewaies to the effect the schireff suld see justice lauchfullie done and ministred: he suld be present in al courts of Bishoppes, Abbots, Earls, Barrones, and friehalders to quho it is not leasum to hald their courtes, except the schireff or his deputes be present, or summoned to that effect, li.4.c. die lune. 14. Stat. Alex. assis. 10. Aff. reg. Da, c. 1. And fiklike na barrone may hald court of battell, to. Aff. reg. D.s., c.1. And tiklike na barrone may hald court of battell, water, or jron, except the schire or his deputes be present to see justice done. Stat. Alex.c.praterea.28. vid. duellum. vid, mabamium, And mairover the schireff and all uther judges within the schireffedome, sudd repair to to the King, the first night he cummis within the schireffdome, to answer to all complaintes maid against him, anent the nocht keiping and observation of the lawes: and sal nocht departe, nor passe away without licence asked and obteined, under the paine and unlaw of aucht kye, Ass. Preg. Dac. statutum. 20, quo attach.e. Statutum. 80. And also sall nocht passe seight bir the Ass. of Parliament, and his inthe King, except he have with him the Actes of Parliament, and his inftructiones given to him in writ Aff.reg. Da.ex libro Sconenfi. Last concerning the execution and observation of the lawes, the schireffe, nor na uring the execution and obtervation of the lawes, the interies, not not under the rofficiar of the law, fall onie waies obey, or execute onie command direct to them be the King, under the great feale, privie feale, or fignet, repugnant or contrarious to law or reasson. Bot gifonie sik precept be presented to them, they fall receive the samin reverentile, write upon the back thereof, and remit the samin againe. Rob. 2, 1372. And of his reigne,

the first zeire,

The schiresse fuld nocht onlie make the publication of the laws, and cause the samin to be keeped and observed: Bot also suld concur and assist with uthers to do the samin, sik as the justice generale, chalmerlane, & auditours of our Soveraine Lordes Checker.

The Schireffe at command of the justice generall, suld summound certaine persones to burgh and to land, to give up dittay, to the justice Clearkes, and suld be present in proper person at the justice aire with the verification of the saides summonds. He suld suffice and pay the expenses of the justice clearkes, in the time of the taking up of the dittay. Quhilk suld be allowed to him in his comptet, he suld (conforme to the justice precept direct to him) summond all Bishops, Abbotes, Erles, Barrones, Freehalders, and al uthers quha aucht presence in the justice aire, &c. are immediate vassals to the K. to compeir in the justice court, to fortifie and affist the justice. Likewaies he suld summound all persones indyted of new, and of aulde, al pledges oblished for the entrie of onie man in the air, all persones quha will persew, or defende, in the said court, to compeir, doe, and fulfill that quhilk accordis of the Lawe. Heefulde be presente in the courte, with sufficient testimonie of the execution of of the said summondes. And sulde make provisione for the justice and his Clerkes, quhilk sulde be allowed to him in his first compt in the Checker. He suld take up sik summes of money and gif neede be poyed therefore as the justice modifies to be payed be them quha are americat, or cumprisin will aid tree. new, and of aulde, al pledges oblifhed for the entrie of onie man in the air, merciat, or cummis in will.vid. Iter,

Mairover gif there be onie persones, quhom the Crowner ma nocht, nor dare nocht arseist: He sall deliver their names to the schireffe quha falbe becum borgh and cautioner to enter and present them in the justice aire. Or sall passe, or send sufficient number of men, to fortifie the Crowner, making the arrichmente, and bringing the person arrichted to the Schiresse to be keeped be him. Quhilk gif the Schiresse

failzies to doe, he sal pay terripound to the King. Iames 3: par. 14. Cap. 99-Because the schireffe suld keip the persones arristed be the Crowner, & enter them to the instice aire, gif there be na Castell perteining to the King within the schireffdome, quhairin they may be keeped lames. 5. p.

Mairover, the schireste or his deputes suld passe, or send with the Crowner, and visite the gudes, perteining to all persones convict in the justice aire, and deliver to the Crowner sa meikle thereos, as he suld have pattice aire, and deliver to the Crowner fa meikle thereof, as he hald have be the law, and inbring the remnant to the Thefaurar. I ames. 3. par. 14. Cap. 102. And the laft day of the aire, the schireff suld thoill ane affise anent the using and execution of his office. I ames. 3. par. 14. Cap. 102. Finallie the schireffe or his deputes be their Clerke, fuld inbring to the thefaurar, all extractes of the justice aire, and summes of money conteined thereintill: quhilk gif hee failzies to do, no allowance falbe granted to him in the Checker of his comptes, albeit hee have the Kingis letter in the contrare, granted to him in his favours. Ass. T. reg. Da ex libro Sconens.

Quhen the chalmerlaine is to hald his aire, within onic burgh, the schireste be vertew of the Chalmerlaines precept direct to him, suid attach and arreist without delaie, under sure pledges and cautioners, all them quhais names the Provest and Baillies of the burgh sall give to him in writ; To compeire before the chalmerlaine, or his deputes, day, place & time of the air, to answer to sik things as fall be laid to their charge. At the quhilk court, and aire, the schireff and his deputes suld be present, bringand with them the said precept and verification, or testimonic of the execution thereof. Here, camer, 6, 2.

and with them the faid precept and verification, or calculated and with them the faid precept and verification, or calculated and the faid precept and verification, or and fail checker, how they have kieped the acts of Parliament, and how they have punished the transgref-foures thereof. For in the Checker, the schire, or and sufficient depute for chim, have and sufficient power, said compete and sweare thereanent, in animam eius: Under the paine of ten pound, and tinfall of his office at the Kingis will. As reg. Da. exhibro Sconens. In the qubilk Checker, the schireste suld make compt, and full paymente, eq.; with the Rolles, fa far as he has intrometted, or micht intromet with the Kingis propertie or casualities, sik as escheits and wardes, under the paine of warding of far as he hes intrometted, or micht intromet with the Kingis propertie or casualities, sik as escheits and wardes, under the paine of warding of his persone. Iames, 5, par. 7. Cap. 96. Iames 6, par. 11, Cap. 74. And suld bring with him, his court buikes, with the compt of escheits, and unlawes, intrometted with be him, togisder with the registers of hornings registrate be him in his buikes, and of all saisinges. Iames, 6, par. 12. Cap. 124. And suld find cautioners, burges men within Edinburgh, acted in the buikes of Councell, that he sail zeirlie make compt in the Checquer, and payment of all thinges intrometted with be him. Ja. 6, p. 11. c. 80. Iames, 6 par. 14. Cap. 230. And gif he be found restand at the sure of his compt onic summes of silver, to the King or his Thesaurar: it is leasured to the Thesaurar, as he pleasis, to poynd the Schiresse and his deputes, or the partie to quhome saising is given, for the saides summes, conforme to the buike of responde-sa 6 p. 11. C. 73.

The jurisdiction and office of the schiresse, fix as the Lords of servil maintains in execution of decretting iven be civill judges, sik as the Lords of servil maintains.

lar civill actions and pleyes, and decision theirof in his Courte, and like in civil actions are pleyes, and decision theirof in his Courte, and like in civil waies in execution of decreitis given be civill judges, fik as the Lords of terrs. Gouncell, and fession. The schireff and his deputes is judge competente to their pleyes and actiones after following. That is, the pley or mute of barrones betuixt baron and barron. The mute of ane reasonable Terce perteining to wemen as lauchfull wives, be reafon of the deceafe of their husbandes, complaintes tuiching the breaking of appayanteers. husbandes complaintes tuiching the breaking of appoyntments, aggreances, and end of pleyes made in court, and not keiped lib. 1.c. 4.c. contingit. 31. lib. 2-c, dos. 19. Mutes and pleyes of natives, that is of bondes, & fervandes fugitive fra their awin mailters: making of Homage: Receaving of relives: alfwa actiones and pleys of debt auchtand be anto ane uther, may be followed before the schireff, with uther actiones of wrang & unlaw. lib.1.c.4, lib.2.c. confequence. 13. The brieve of richt, & free tenements, said be determined before the schireff, in the second instance, tenements, fuld be determined before the schireff, in the second instance, quhair as complaint is maid, that the court of barrones hes done wrange thereanent, be reason wranges done in the barron court, war remeded in the schiref court, be the aud law of this Realme. lib. 1.c. placita. 6. lib. 3. c. solen. 17, c. ad vicecomites. 17. Bot be the law and practick now used & observed, the Lordes of Councell and session are one lie judges competent baith in the first instance, and second, to all actions and matters tuiching fee and heritage. Siklike all pleyes tuiching Meithes and Marches of lands, betuist nightbour and nightbour, suld be decided and declared be ane assisted before the schireff, lib. 2,c. vlt. Conform to the quhilk all actions of Molestation, molestation, in trowblance of the possession of propertie, and commontie and cognition suld be decided be the schiref of the schire, or uther ordinar judg, quhair the landes lyes, be the determination of an affise, of the best and worthiest of the curtic, least suspenses and that best knawis the veritie. Ia-6. D thieft of the cuntrie, leaft suspect, and that best knawis the veritie. Ia-6.p

11 c. 42. The schirest is judge competent to the removing of tennents
fra lands, conforme to the warning maid against them to that effect, Mar.
p. 6. c. 39. The schirest is judge to the brieve of inquest, quhair be ane-defirist to be served and retoured narrest and laughfull aire to his predicessor.

11 b. 3.c. Generalia. 25.440. attach.c. De brevibus. 31.14.1.p.9.c. 127. Quhilk
brieve suld be served in plaine court, be the maist worthic of the schirestdome, summound and called upon the premonition of 15. dayes. Stat.

Rob. 3.c. 1. Vid. breve de morte antecessoris. And na commission for serving
of the said brieve, or uthers suld be granted to onie person, in prejudice of the schirest, Stewart, or baillie, untill he be first warned to hear and see
the samin given, or essented. Iames. 5 par. 6. Cap. 82. And incase ony
sik brieve sal happen to be served and retoured before onie judge, commissionar; the precept of saising suld be direct furth of the Chancellarie,
to the Schireste, as is before said, werbo, breve de marte antecessoris. For generallie all preceptes of saising furth of the Chancellarie upon retoures

H 2 thieft of the cuntrie, least fuspect, and that best knawis the veritie la-6.p

20

19

Saifingermon fuld be direct to the Schireffe, and uther judges ordinar, with the clause, precepts of the Capiendo fecuritatem. lam. 6, p. 12, c. 124. And all faifings patting upon sik Chancellarie. precepts fuld be given be them, their deputes and Clerkes, Mar.p. 6.c. 34. Quhairof they suld write the day and zeir of the giving of ilk faifing, and bring the samin, togidder with all uther saisinges, given be private Noatars zeirly, to the checket la. 4, p. 6, c. 89, Ma.p. 6, c. 47, L. 6, p. 11cc.

23. Ejestiones and spuitzie.

24 Ejedimes.

Spuilzie.

Notars zeirly, to the checker la.4, p.6. c. 89. Ma.p.6. c. 47, l. 6. p. 1 l. c. 65.

Sik-like actiones of ejection and spuilze, perteinis to the Schiresse, and his jurisdiction. And therefore, gist ony man is wrangouslie ejected furth of his land, or violentlie spuilzied of his guds and geare. The Schiresse sudden and therefore, gist ony man is wrangouslie ejected furth of his land, or violentlie spuilzied of his guds and geare. The Schiresse sudden and geare, with the profites thereof, and damnage and skaith susteined be the partie. Ass. Reg. Da.c. stat. 33. Speciallie gif the persones quha ar ejected and spuilzied be religious men, clerks, widdowes, aged persones, or sik uthers, quha be the law, ar excused fra singular battell. Ass. Reg. Da.c. stat. 38. Stat. Alex. c. 5. stat. Ro. Br. 3. c. 6.

And in ejectiones, quhen ony man is ejected surth of his landes, see, or hereage; The Schiresse ar command of the Lordes of Session, stall surth, with gar restorethe ground, without prejudice of ony partie, and recognosce the landes in the Kings handes, untill they be lowsed be the King. And in the mean time, inquisition is taken be the Schiresse, quha was lauchfull possession of the landes: And the samin beand retoured to the King, the landes ar letten to borghe to the said person. I. 2. p. 14. c. 62. And generallie, the Schiresse sull voyde of them and their gudes la. 2. p. 14. c. 78.

Concerning sould to be maid voyde of them and their gudes la. 2. p.

14. 6.78.

Concerning spuilzie, the Schireffe suld compell spuilziers, and their receipters (the spuilzie being proven) to restore their gudes spuilzied, and charge them to answer therefore, as law will. And in-case they disobey, he suld denunce them rebelles, and put them to the Kingis horne. Quhairin, gif he be negligent or partiall, he salbe punished as the principal spuilzier. Iam. 2. parlia. 5. cap. 10. The like restitution suld be maid be the Lordes of regalities, quhilk gif they doe not; the Schireffe suld cause the samin be done within the regalitie. Jam. 2. p. 5. c. 11. Last of all, actiones of recent spuilzie, may be persewed before the Lordes, or the Schireffe, within xv. daies nixt after the committing of the spuilzie. Iam. 4.p.6.c.65.

4.p.6.c.65.

Execution not onely of decreetes of ejection and spuilzie, as faid is 26. Execution of bot also of all uther decreetes perteinis to the Schireffe, be reason of his office and jurisdiction. For ane decreet beand given against ony man; letters are direct to the Schireff of the Schire, steward, or Baillies to burgh, or to land, chargeing them to put the said decreete to execution; qubilk stud be done be ilk ane of them, within their awin jurisdiction, and fuld receive for their office and see xij.d. for ilk li. recovered or conteined in the decreet to be taken of him against qubom the decreit is given. And gifthe receive for their office and fee xij.d. for ilk li. recovered or conteined in the decreet, to be taken of him, against qubom the decreit is given. And gifthe Schireffe or uther officiar failzies to do the same, he sal tine his office for iij. zeirs, gift be heretable: and perpetually, git he hes it in life-rent, or for ane certaine time; & sal pay the principal sume recovered, to the partie, with the coasts and expenses sustained be him. I.4, p. 3. c. 30. Ia. 4, p. 6. c. 67. Likewaiesall sentences and decreetes given be the Lords of the selsion suld be execute be the Schireffe of the Schire, or his deputes, quhair the party dwellis, against quhom the decreete is given, Or els be Herauldes, pursevantes, or Maisers: And for execution thereof, nane sall take mair nor is prescribed be the act of Parliament foresaid; except be liberalitie of the partie, under the paine of deprivation of their office. Ia. 5. p. 5.c. artie, under the paine of deprivation of their office. Ia. 5. p. 5.c.

27. Populing.

For the better and mair reddie execution of decreetes: It is leafum to the schireff, to poynd the gudes and geare perteining to the debtour, be the brieve of diffres: quhilk brieve perteinis to the Schireffs jurisdiction. lib.

1.c. Planitum-7. Quha fuld cause execute the forme of poynding, & taking of diffres. Quoniam attach.e. de brevibus, 31. Bot the Schireff or uther judge nay not poynd ony man, or take ane diffres, bot within his awin jurifdi-tion allanerly; And gif he dois in the contrair, it is plaine rice or spuil-e. flat. Rob. 3-c. Item flat. 13. And it is not leasum to the Schiresse, or ony ction allanerly; And git he dois in the contrair, it is plaine rice or spuilzie. stat. Rob. 3-c. Isem stat. 13. And it is not leasum to the Schiresse, or ony uther judge, within his awin jurisdiction, to poynd oxen, horse, or uther guds perteining to the pleuch, or that labouris the ground, the time of the labouring thereof; gif there be uther streinzieable gudes, quhilk may be poynded. And gif ony man wil take ane poynd within the Schiressedom, he sall cum to the Schiresse or his deputes, and desire him to concurr and assist with him thereintill. And thereafter the Schiresse, or his deputes, sall passe with him to the bouse of the debtour, fra quhome the poynd suld be taken. And gif the debtour consessis the debt, and prievis payment thereof to bee maid be him, or be uthers in his name: Na poynd suld be taken. And gif ony istaken, the samin suld be delivered againe; utherwaies, gif he grantis the debt, and proovis it not payed: The Schiress suld take the poynd, and cause the creditor be payed. And gif the debtor denyis the debt, the poynd sall not be taken fra him, except it be manifest, that the debt is auchtand to the creditor; because na distress or poynd suld be taken bot for debt consessed or proven. si.4. c. Si quis names. 30. And gif the debtor hes na moveable gudes, or hes not sameikle within. so. And gifthe debtor hes na moveable gudes, or hes not fameikle within the Schire, as is equivalent to the debt recovered against him. And gifte happenis that he have some moveable gudes within ane uther Schirest dome. The Schirest of the uther Schire, within the qubilk the saids moome; The Schreit of the utnerschie, wathin the qualit the laids movable guds lyis, fall cause the lame to be pounded & comprised, & the creditor to be payed. And failzieng of movable guds, the schireff sal cause the lands & immoveable guds perteining to the debtour, to be comprised conforme to the act of Parliament, and cause the samin to be sauld and annalied, to the availe of the debto and the creditour. Ia.z. p. 5. c.

Diverse and sindrie criminal actiones perceins and belangs to the Criminal Schireffe, and his jurisdiction, cubairoffome areapitally uthers are peculiarly as after follows. And first generallie the Schireffe may follow and stemograpers at the specific perceived trespectives, in the Kings name, and cause his Maires and ferrespectives on the state of the schireffe may follow and stemograpers and cause his Maires and ferrespectives of the state of the schireffe may follow and stemograpers and cause of the schireffe may follow and the schireffe may follow and the schireffe may follow the schireffe may follow and the schireffe of the schireffe or uther utilities agree. In 6, p. 11. c. 76. and swa challen only complaint is maid, be only perfort the justice Generally or to the Schireffe, or to only uther officiar of law within burgh, or without the samin. The Schireffe, or uther judge, fall summond brith the parties. And gif the deede be done be Chaudrelle, the partie fall persew, as efficies of the law. Bot gif is be done be fore thought sellower, as efficies of the law. Bot gif is be done be fore thought sellome, the committee thereof, salbe accused of the breaking of the Kings peace: He sall satisfie the partie, and be imprisoned in the kings prison. Because his life and gudes are in the Kings will. 1. p. 3. c., 51. And gif only trespassor being since for only grame, the schireffe said persew and tollow him: And ilk Genete-many not followed the schireffe said.

The Schireffe can be a Broad and as a Broad followed the section with the said and the said white saids and the saids sa out-horne, fal pay xl.s. And ilk zeaman xxs. to the king, 1.1.p.6.c.9.8. The Schireffe, Crowner, or Proyeft within Burgh, fuld cause burie

The Scheriffe fuld punish Wirches, Sorceros, Necromancers, and them quha feekis helpe, response, or confustation of them, unto the death, alswell the abuter, as the seeker of the response, or consultation. Mar. p.8-c. 78.

The Schireffe, and uther ordinar judges, fuld fearch, take, and apprehend, all them quha not being lauchfullie admitted, dois minister the Sacramentes, sayis Messe, or hearis the samin, to be brocht to the King

to be punished conforme to the Law la. 6.p. 1.c. 5.

The Schireffe suld take strait inquisition, of them quha strikis false, or False enincia M. forbidden cuinzie, and suld cause them to be broucht to the King, to be

punished to the death. Ia. 3.9 3.0 18.

The Schireff beand certified of Bauchter, committed within his SchiSlauchter, The Schireff beand certified of flauchter, committed within his Schireffedome, and royaltie thereof, he fall incontinent raile and follow the flayer, with found of home, and convocation of the Kingis lieges. And gif he beis apprehended with reid hand, justice fall be done within that Sunne. And gif he be taken and apprehended without reid hand, Hee falbe put in prison, and law table done upon him. within 40. daies And gif he escaipis, or flyes surth of the Schireffedome, the Schireffe fall certific the nixt Schireffe thereof; quhe sall persew and follow the flayer in maner foresaid. And consequentie, ilk Schireffe fall certific uther, until the trespassion be put surth of the Realme, or els brocht to justice: The like certification suld be maid be the Schireffe, to the Lord of regalitie, quha suld persew the malesactoures, as the Schireffe fuld do. Jam. 1.0.6ca. 80. fuld perfew the malefactoures, as the Schireffe fuld do. lam. 1.p.6.0 lam-3.par. 5.c.3 5. lam.4. par. 4.c.28. Quhen the committer of flauchter, cummis to the Girth: The Schireffe fuld advertife the Maifter of the Girthe, and cause the slayer bee put to the knawledge of ane Assis, quhidder the slauchter committed be him, was done upon suddaintie, or be fore-thought-tellonie. And gif it be found suddaintie, he salbe restored to the libertie of the Girth; and Sanctuarie. And gif it be founde fore-thought-fellonie, he salbe punished to the death. Ia. 3. p. 5. c. 3 5. Ia. 5.

p.4.6. 22.

The Schireffe fuld not only punish committers of flauchter, as faid is, Low-le bot also fuld after his power, stay, and stop the committing thereof: And rown. therefore, quhen ony man her doubt of his life, either be ony deede, menacing, or violent presumption; and verifies the samin be his aith, or uther probation, And for that cause, askis law-fovertie to be given to him be the Schireffe, that he salbe harmeles and skaithles of him, of quhom he hand in the herital is harme. The Schireffe fuld grant his perition. Stepic her

be the Schireffe, that he falbe harmeles and skaithles of him, of quhom he dreadis the bodielie harme. The schireffe suld grant his petition; & gif he results the same, he sal pay 40. pound to the King, & assiyith the partie. I., 1, 9, 0, 0, 12, 12, 2, 0, 6, 0, 13, 12, 2, 0, 14, 0, 83. And gif the law-borrowes happenis to be broken, the paine thereof, suld be payed to the Schireffe, for the quhilk he salbe comptable in the Checker, 12, 3, 0, 1, 0, 5.

It is leasum to the Schireffe and his deputes, to persew ony persone for Thiese, theise, Albeit na partie concur and informe him there-anent. Quoniam attache. vbi sliquis, 2, 3. As likewaies, he is judge competent to thieft and slauchter, quhen ony person competris and insists with him, in the petsure. Bot gif the saids crimes be followed be way of dittay: the justice generall is judge thereto. lib. 1. e. 2. And quhen ony thief is condemned before the Schireffe, and execute for thiese: Al the moveable guds, quhilk perthe Schireffe, and execute for thieft: Al the moveable guds, quhilk per-teine to him, fuld jufflie perteine to the Schireffe. lib. 2 c. Porisfatium 55. de Iudie.c. Pratered. 148. Bot gif ony man findisin ony town, his awin filver ftollen fra him; It is not leafum to him to intromet-there with: Bot he fuld put and leave the famin, in the keiping and cuftodie of honest men of the towne, and fall declare the famin to the Schireffe, quha fall compell the Proveft or ruler of the town, and three men with him, to mak faith, that he knawkna-thing of that thieft; And thereafter the compleiner proovand the filver to be his awin, fuld receive the famin to be used be him, as his awin proper geate. Lib.4. c. Si quis-21. flat. Alex.c. Affis. 20 All thieves fuld be punished to the death. And it is not leasum to the Schireffe, to sell ony thiefe, or to fine with him for thieft done, or to be done, under the prains of life and gudes. In 1.12. c. 12.6.

under the paine of life and gudes. Ia. 1. p. 13. c. 135.

All Sorners, taken and apprehended, fuld be delivered to the Schireff, Sorners. All Sorners, taken and apprehended, fuld be delivered to the Schireft, that justice micht be done upon them, as thieves and rievers' [a:2.p-11.cap.45. Ia.3.p.10.ca.77. The Schireffe fuld arrieft and challenge, all forners, quha lyis and fojournis upon the Kings lieges, and compel them to affyith the King, and the partie compleinande. And gif na partie compleinis, he fall inquire at the head courte, anent fik trespaffoures. And as he ony findis, fuld punish them. I. J. p. 1. c. 7. And mairover, the Schireffe and all uther officiares, alsweill to Burgh, as to land, fall punish forners, over-lyars, maisterfull Beggars, fuilles, bairdes, vagaboundes, put them in warde, and banish them the Cuntrie. Jam. 2. Parli. 6. Cap. 22.

28. Murther

30.

W.

des, beggars wandring athors the And all oppreflourer, firang vagaboundes, beggars wandring realme, upon presence that they are Schipbroken, or banished i see, or uther odious crimes; And disfimular thieves; and abu

26. 144

37 . Beggar

40.

41, Hunting of the Wolfe.

42. Archerie

4 3. 3chutt

44. Foreftallers

47. Policie.

48.

Egyptians. 12.6. p. 52, c. 124.

Sich like the Schireffe fuld arrest all idleed Egyptians. Ia.6. p. 12. c. 124.

Sich like the Schireffe fuld arretif all idle men, and put them in furthermance, untill it be knawin, quhairon they live, and eake caution of them: that the inhabitances of the cuntre. [a] be har peleffe and staith leffe of them: And that they fall get maifters, or peleffe and staith fourtie daies, qualiting gifthey fullale; the Schireffe fuld inpellon them untill they be punished at the Kingis will. Ia. 1, p. 3.c. 68. Mair-over, the Schireffe fuld compell idle-men, to paffe and labour for wage within Schippes, maid and prepared for fifting, of oreas and final fifth, under the paine of banishment furth of the Schireffe dairs; the fall pay swentie pound to the King, it she Checke zeirlie. Ia. 4.p. 4.c. 49.

Schireffe failzies. he fall pay twentie pound to the King, frishe Checker zeirlie. 12. 4. p. 4. c. 49.

All they quha ar furfiered to beg a landwart, fuld have ane certaine takin given to them be the Schireffe. 12. 1. p. 1. c. 25. Under the paine of hutning on the checke, and banifiment off the cuntrie of the beggars; and of ane unlaw of fittie faillings to the King, to be payed be the Schireffe, in-cafe he failzie in keiping of the premiffes. 12. 1. p. 2. c. 42. And mair-over, the Schireffe, Proveft, and Baillies within Burrowes of royaltie and regalitie, fall pay ane mark for ilk beggar that beis found beggand except he becausited, feek, or weake, 12. 4. p. 6. c. 70.

And mair-over, the Schireffe fuld fuffer na beggar to beg within ony Parochin, bot onlie them quha ar borne within the famin. For ilk beggar fuld be fuffeined within his awin Parochin, and fuld have the marke thereof. 12m. 5. parlia, 4. cap. 21. And for punifiment of ftrange idle beggars; all Schireffes and uther judges fuld make prifones, shockes, and irons within Burghes, throw-faire-townes, and at all Paroch Kirkes. 1a. 6 p. 12. c. 147. And fuld punifi beggars, conforme to the act maid be King Ismes the Sext. 1a. 6. p. 6. c. 74.

To the jurification of the Schireffe, perteinis to cognosce and decide

19. Tuilzies and breakers of the Kingis peace.

and irons within Burghes, throw-faire-townes, and at all Paroch Kirkes. Ia. 6p. 12.c. 147. And fuld punish beggais, conforme to the act maid be King Ismes the Sext. Ia. 6. p. 6. c. 74.

To the jurisdiction of the Schireffe, perteins to cognosce and decide aneth strife, spulzies, straikes, wounds, and breaking of the Kings peace.

Lib. 1. c. 2. And the Schireffe suld take inquisition anent the breaking of the Kings protection, and compel the breakers thereof to pay ten punds to the Kings, and and assisting the partie. Ia. 1. p. 11. c. 134

The Schireffe suld destroy verschelles, creilles, and uther ingines, qubilik stoppis Smoltes to pas to the sca L2· p. 14. c. 87. L. 3. f. 5. c. 37. He suld cause the measure and quantitie of the cruwes and zaires to be keiped in waters, quhair the sea slowing and obbis: To the effect the frie of the fish, may assist, upon slayers of Salmond in forbidden time. Stat. Alex.cap.baces Assiss, upon slayers of Salmond in forbidden time. Stat. Alex.cap.baces within his bounds, under the paine of xx. pund to be payed to the Kings Ia. 4, pa. 2.c. 15. Mar. p. 8.c. 68. For the quhilk cause, special commission is granted to him. Ia. 6. p. 6.c. 89. Ia. 6. p. 7-c. 171. He suld execute the actes maid anent herring and quhite-fish, and uptake the escheit of the contraveners thereof, and make compt in the Checker, Ia. 6. p. 6. c. 86.

The Schireffe suld hunte and slay the Woosse, and her Quhelpes, three times in the zeir; and all the indwellers of the Schire, suld rife with him, under the paine of ane Wedder. Ia. 2. p. 14. c. 88.

The Schireffe suld cause bow-markes to be maid for Archerie, in ilk paroch, under the paine of source substants to be uptaken be him to the Kings use. Ia. 4. p. 3. c. 32.

The Schireffe suld punish all them quha shuttis at Deare, Rae, or

the Kingis ufc. Ia. 4. p. 3. c. 32.

The Schireffe fuld punish all them quha shuttis at Deare, Rae, or The Schirefte fuld punish all them quha linutus at Deare, Rie, or uther wilde beaftes, or wilde fowles, with Culveringes, Piftolettes, or Gunnes. Ma. p, 4. c.9. Nocht onely the Schireffe, bot all judges Ordinar fuld accuse at particular dietes, all them quha schuttis with Culvering, Croce-bow, at Dae, Rae, Hart, Hinde, Cunning, Dowe, Herron, or fowle of riefe. la. 6. p. 1. c. 16. p. 7. c. 123.

The Schireffe, and all uther officiares, baith to burgh and to land, at

The Schireffe, and all uther officiares, baith to burgh and to land, at ilk Courte, fall inquire quhat persones byis victuall, and haldis it to ane dearth; And declaretheir names to the King, that they may be punished as ockerers, and the victuall escheit. Iam. 2. p. 6, c. 23.

Mair-over, the Schireffe suld escheit all gudes quhilkis ar forstalled, cost, or arled be forstallers, and in-bring the twa parte thereof to the Kingis use; And the thrid part to himself. Ia. 5, p. c. 4, 20.

And sik-like the Schireffe suld punish, bee consistation of all their moveable gudes, all them quha transportis Nolt, Scheipe, or uther Cattel furth of the realme. Ia. 6, p. 7, c. 124. Ia. 6, p. 12. c. 149.

The Schireffe suld punish destroyers of planting of woodes, Forrestes, orchardes, broome, breakers of Dow-cattes, cunningaires, parkes, stankes, zairdes, slayers of Haires, makers of Mure-burne in for-bidden time, and uther destroyers of haning and policie. Ia. 6, p. 6, c. 34. And time, and uther destroyers of maires, makers of Mure-burne in for-bidden likewaies, suld in-bring to the Kingis use, the paines of them quha plantis nocht wooddes, makis not hedges and hainings. Ia. 5, 4, 6, 9.

The unlaw of fourtie shilling, suld be taken up be the Schiresse, fra players at the sure-ball, In-case the Lord of the land, pretermit to do the samin. Ia. 1 p. 1, 6, 17.

players at the tune-tune.

famin. Ia. 1 p. 1. c. 17.

Quhen only landes fallis, be refon of warde in the Kingis handes, or guhen of ony uther superiour; Or quhen to Burgh or to lands, lands ar given in trade of ony uther superiour; The Schireffe or the Baillies, fal cause the lighter can innertice, or life-rent: 49. Causion found be the wards of on tar and uthers conof ony uther superiour; Or quinen to burgh or to latus, lands at given in conjunctive, or life-rent: The Schireffe or the Baillies, sala cause the wardarar sinde caution not to destroy the bigginges, or uther policie: And that he sall leave the samin, als gud as hee sand them; And that he sall sufficient the aire, not have and sufficient blench, or sew-ferme landes. Ia. 4. p. 3. c. 25. And gifthe Schireffe, or uther judge be negligent, in requiring caution, being required thereto, be the heretoure, or his friendes: He sal resound and pay to the heretour of the landes, at his persite age, all damnage and skaith susteined throw his negligence. Ia. 5. p. 4. c. 14.

The Schireffe suld take inquisition of them quba wearis Claith of

gold, filver, velvet, or filkes, contrair the actes of parliament; and fend them to the King, to be punished, Ia. 1, p. 6, c. 4, 5, Ia. 6, p. 7, c. 113.

All they quba us excesse or superfluitie in banquettes, coordir the tenour of the acte of Parliament, said be punished be the Schiresse, and wher judges, within the Royalitie and regalitie. Ia. 6, p. 7, c. 113. And skilke, the Schiresse side on the Thesaurar, the names of all persones quha breakis and contravernis the act of Parliament, maid anent the ordering of ilk mannis house, and quantitie of mearand dishes, preserved to ilk man of all estaites, that they may be accussed and punished therefore. Mar.par. 5, c. 26. The Provest and Baillies within Burgh, said cause Hostellares take reasonable prices for ane mannis dinner and supper, efferrant to the prices of vistualles. And suld also fer downe reasonable prices upon ilk mannis work, and suld eliver the samin to the Schiresse, that he may cause the samin price be keiped to Landwart. Mar. p. 5, c. 22.

Mair-over, the Schiresse suld punish the Barronne, quha examinis, nor prices nocht the wark man-ship of ilk crast, within his Barronnie, with the paine and unlaw of ten poundes. Ia. 1, p. 7, c. 102.

The Schiresse suld send or bring all Notars, quha as Temporall men, within the boundes of his office, and present them to the Lordes of Councell, to be examined be them, quhidder or nocht they be worthie or qualified for the office of the Notarie. Mar. p. 5, c. 24. And the Schiresse with silk persones, as the King pleasis to adoyne to him, fuld call all Notars before him and examine them. Ia. 5, p. 6, c. 76.

The Schiresse suld under the armed according to his estaite and rente: And fall cause weapon-shawinges to be email zeitle, after the Octaves of Passes. Sas. Ro. 2, Br. 6. Ordinatum. 27. Or at the least sour times in the zeit. Ia. 1, p. 2, c. 44. I. 4, p. 3, c. 31. Or upon Thursday in the Whitsunday oulk Ia. 4, p. 6, c. 75. Ortwise in the zeit throw all the Realme, in the Moneths of Junij and October, or ony ut

ones, and mak compt Taxation. 53.

under the paine of times of single part 9, cap. 37.

The Schireffe and Chalmerlaine, fall cause all metters and measures to be keiped, used and observed, conforme to the tenour of the actes of Montes to be keiped, used and observed, conforme to the tenour of the actes of Montes to be keiped, used and observed, conforme to the tenour of the actes of Montes to be keiped, used and observed, and introduce with all horse pertening to Earles, Lordes, Barronnes, and utheris, halden at Horse harde meate, langer nor the time prescrived in the act of Parliament. Of the quhilk escheir, the ane halse pertenins to the King, and the uther halse the chiral section of the conformal section.

to the Schireffe. Ia. 6. p. 11. c. 56.

The Schireffe at command and direction of the Thefaurar, fuld take up, and intromet with the escheit guds and geare perteining to rebeller Eschi

in , and intromet with the escheit guds and geare perceining to rebelles. Escheites La.6.p.6.c. 75.

Divers and sindrie persones are disobedient to the Kingis Lawes, baith civill and criminal, and also refusis to obey and fullfill lauchful decreites. Excomma given and pronunced against them, be judges Ecclesiasticall, civill and cate person criminall: For the quhilk cause, some are excomunicat and cursed, uthers are denunced rebelles, and put to the horne. And therefore the Schitestic to quhome perteinis the execution of the Kingis Lawes and decreetes) study that are and apprehend all cursed and excommunicate persones, at the desire of the Bishope, or his Official, and put them in prison; until they satisfie God, and the Kirk. Stat. 2. Rob. Br. cap. Rev. tali. 31. Speciallie them quha hes remained under the censure of Excomunication, be they jurishe God, and the Kirk. Stat. 2. Rob. Br. cap. Rev Sat., 31. Specialise them quha hes remained under the centure of Excomunication, be the space of fourtie daies. Quoniam attach. c. Rex tail. 76 stat Rob. 3. c. Isem 7. To the quhilk effect, letters of caption being direct to the Schiresse, he suld execute the samin against all cursed persones. And gif they be sugitive, their gudes and landes (gif they ony have) salbe comprised, for satisfaction of the partie. And gif they have nane, they salbe denunced rebellers in 2. 2. 66.12.

risfaction of the partie. And git they have nane, they falbe denunced rebelles. Ia. 2.p. 5c. 12.

All Schireffes, Stewardes, Baillies, and uther officiares, baith to Burgh and to lande, fuld fearch, fecke, and apprehend all rebelles beand at the horne, and bring them to our Soveraine Lordis justice, to be justified, conforme to their demerites; Under the paine of tinfell of their office, for three zeires, gif it be heretable, And in all time cumming, gif it be Temporall. And mair-over, to be accused for their negligence in the justice aires, or at particular diettes, asit fall please the King, Ia. 5.p.7c. 97.

Mair-over, the Schireffe, and all the saidis judges, alswell within regalitie, as royaltie, sud fearch, seeke, tollow, persew, apprehend, and commit to warde, and present to justice, all declaired traitures and rebelles, contemnandlie remainand at the horne un-relaxed; and fold do justice upon them, gif they have commission to that effect. And gif the saidis rebelles be sugitive, the Schireffes and uther judges foresaidis, suld make denunciation thereof to the Schireffes, and judges Ordinar, of the source halfes about; and require them to use the like diligence, under the paine to the quhilk the traitoures and rebelles ar subjects, or hes incurred. Iam. 6, p. 12 c. 124. And furder, the Schireffe suld incurreand fortisse uther officiares, to take up the eschirefies fuld incurreand fortisse uther officiares, to take up the eschirefies Clerke, within fifteene daies, after the denunciation; And being marked and subscrived be him, fuld be delivered to the partie. And sik-like, all relaxationes suld be registrat in the Schireffis buikes, within sifteene daies after the publication thereof. Jam. 6, pa.6. cap. 75 Iam. 6, pa. 3. cap. 14.2. And ilk Schireffe suld cause proclaime the names of the rebelles, at the mercat croce of the head burgh, upon mercat daies, preceeding the three head courtes, and affix ane Catalogue conteinand

58.

\$0. Claithing

conteinand their names upon the mercat croce, and in the Tolbuith: And feed ane uther rol thereof to the Thefaurar, conteinand the names and causes, for the quhilk they were denunced. Ia.6. p. 6. c. 74.

Laft of all, to the effect, that they quha are in Bons fide, be nocht deceived in bying of landes or gudes, fra theffiguha ar interdited or inhibit, For eschwing of sik fraud, the Schirest, Tanquan bons; Prator, sud cause all inhibitiones and interdictiones, with the executiones thereof, to be registrate in his buskes, be his Clerke, within fourtie daies, after the publication of the samin, Ia 6. p. 7.c. 118.

registrate in his buikes, be his Clerke, within fourtie daies, after the publication of the samin. 1a' 6.p. 7.c., 118.

QUHAT Is the jurisdiction and office of ane Schirest may be easelie knawin be the sawes and constitutiones abone written; quhairof sindric conteinis certaine special paines to be enjoyned to him, for his malice or negligence. And now, I thouch gud to declare, certaine generall penalties, prescribed be the lawes of this realme. And first, the Chancellar, Justice, Chalmertaine, Schireste, nor nane of their deputes or substitutes, sall susteine or maintaine pleyes, quarrells, or actiones; nor fall not take landes, or uther budde or rewarde, from the partie, for hinderance or delay of Justice. And git ony sall happen to be convict thereof; he sall be punished at the Kingis will, and sall time and forefall his office, induring his life-time. Stat. 2. Rob. Br. c. Dominus Rex. 22. 63. Of the paines

punishedat the Kingis will, and sall tine and forefalt his office, induring his life-time. Stat. 2. Rob. Br. c. Dominus Rex. 22.

Secondlie, in the time of King David the Second: Because the haill cummunitie and inhabitantes of the Realme, completined heavelie upon Schirestes, Maires, Serjandes, and utheris the Kingis ministers of the Law: It is statute and ordained, that incontinent before the end of the Parliament: The justice Generall, with the Chalmerlane, suld call, and conveene before them, and the inhabitantes of ilk Schirestedome, all and sindric the Schirestes, and uther Officiares, alsweill heretable, as Temporall, and deputes: And taxe and modifie the damnage and skaith done be them to the King and his lieges, to ane certaine summe: Quhilk taxation being maid, the Schireste and uther Officiares, fuld bee put to the knawledge of ane gude and sufficient assis: And being found culpable, and convict, they suld incontinent be put in the Kingis prison, until he, with advice of his Councell, declare his will. And mair-over, all the saids Schirests and uther Officiares, either heretable, or temporal, being siled and convict, suld forestate and tine their office, induring their lifetime. Da. 2. In his Parliament halden at Perth, 18. Feb. 1369. And of his reigne. 40. zeire.

Thirdie, the justice Generall, in his justice aire. fall challenge and accuse, the Schireffes, and uther the Kingis officiares; and take cognition how they have used and exerced their offices. And gif ony of them be founde culpable or faultie: The justice sall remoove him fra his office, antill the nixt Parliament; And fall put ane uther in his place, to use the office in the meane time. And mair-over, the justice sall cannot be office in the meane time. And mair-over, the justice sall cannot in the price. Parliament to underly the determination and punishment to be enjoyed to him be the Parliament, for his fault; And he fall no waies be restored to his office; bot gif the three estaites think the samin expedient. Stat. Rob. Br. 3. Ex libro Sconens.

Br. 3. Ex libro Sconensis.

Fourthlie, gif the Schireffe, or ony uther officiar of law, be lauchfully proven, or notourlie knawin faultife, or negligent in the execution of his office perteining to him in fee and heretage: He fall tine the famin, and all the profites thereof, for ane zeir and daye, and falbe punished in his persone and gudes at the Kingis will, after the qualitie of the trespas, And gif his office is Temporall, he sall tine the samin, for all the times he hes it: And uther-waies salbe punished, as said is. Ia 2.p-14.c. 77.

Fiftlie, gif the Schireffe, or ony judge Ordinar, will not execute his office, and minister justice, he salbe punished, and put fra his office, for ane certaine time, after the discretion of the King, and the Councell, and punished at the Kingis will, and pay the expenses to the partie compleinand. And gif he be sound partiall or culpable, in the administration of justice; And is Schireffe in see and heritage, he sall tine his office for three zeires. And gif he be Temporall, havand his office for ane certaine time, he sail be put fra the samin perpetuallie: Pay the expenses to the partie offended, and punished in his person, at the Kingis will. Iam. 3 p. 5. c. 26.

p. 5. c. 26. Sextlie, all Schireffes, and urher judges, alfwell Spirituall as Temporall, within regalitie and royaltie, fall do trew and equall justice to al the Kingis lieges, without ony partial counfell, or taking of buddes, under the paine of tinfell of their honour, fame, and dignitic. Iam. 5. par.7.

Gif ony partie compleinis upon the Schireffe, that he hes done to him wrang, in giving or pronouncing ony fentence or decreete against him; And destris the samin to be extracted and delivered to him, upon his expenses: The Schireffe suld give and deliver the process, and suld take source pennies for ilk acte allanersic. Ia. 4, p. 6.c. 67. At the least, he suld extract process, decreetes, give saisinges and retoures, at reasonable prices 16.6.p. 12.c. 124. ces. la. 6. p. 12. c. 124.

PARAINESIS AD IUDICES.



Mnis qui judicare debet, Stateram in manu teneat: Nam equalia & sine perfonarum exceptione esse debent judicia. Nihil iniquius quam munera capere in judiciis : Quia munera ex-

cacant corda prudentium, & subvertunt verba justorum. Qua enim Bilance judicabitis, eadem judicabimini. Quapropter, tu judex, timeas Deum judicem; ne forte eo judicante, damneris. Stat. Wilhel. Cap. 27. Proinde sis Deum honorans & timens: Sapiens & in scientia potens: Veritatem sequens & amans: Avaritias odiens & detestans. de Maritag. c. 2. Cave justitiam subvertas odio, per quod inventa aliqua malitiosa cautela, contra partem tibi exosam, reddis judicium indirectum: Vel cupiditate, dum corruptus muneribus, malitiose judicabis: Vel timore, dum metu potentioris, vere judicare non audes: Vel amore, dum causa amicitiæ desendis amicum, & supprimis inimicum. de Maritag. c. 4. Facias igitur ju-Stitiam equaliter, tam pauperibus, quam divitibus. Stot. 2. Rob. Br. Cap. 2. Quia omnes judices & magnates, qui plus favent his, quam illis in judicio, aut malefactores ullo modo manu-tenent, sunt falsi, & perjurati contra Deum, Regem & populum regni. leg. Mal. Mak. c. ult. in fine.

SCOTIA.

· Sehireffs m

62. Of inhibitions and interdis-

Schireffs he-retable and Temporall.

68. Tinfell of he mour & fame

69. Extract of process.

SCOTIA, Sume-time lignifies that part of Scotland, quhilk is on the North part of the water of Forth. All reg. David, c., stanis. 21. And is opponed to Ledoneium, quhilk now we call Londiane. For King David the First, in the third zeir of his reigne, Anno Domini 1126. Be his Charter maid, Omnibus Scotsis & Anglin, tam in Scotia quam in Lodoneio constitutis, gave and disponed to S. Cuibbert and his Monkes in Durham (Dunelmensi Ecclesia) The landes of Coldinghame, Lammessen, Reningtoun, Etten, Fissensi, Auld-Cambus, SWintoun, Prendre-geiss, and uthers lyand in Lodoneio, quhilk now lyis in the Mers, and Schiressidome of Berwick. And in the actes of Parliament, justices generall at ordained to be, ane, or twa, on the South side of the water of Forto: And ane or twa, on the North side thereof. Ia. 2, p. 14. ca. 97. Quhilk agries with the act mail be King Ismest the Second par. 3. c. 5. Quhair It is statute, that the justice on the South side of the Scottish sea, set their justice aires, and halde them swife in the zeir. And also on the North side of the Scotish sa, as auld use and custome is. And in the laws of Malcome Mat-kenneth. ca. 4. Mare Scotia, is taken for the water of Forth. Scotia, is taken for the water of Forth.

SECTATOR, Ane foytor in court, quhais qualities and office.

SEK Of wool, and fuiring of gudes be the fek, ferplath, and tunne. wid. Serblach.

wid. Serplath.

SERIANTERIÆ, Sergenteriæ. Lib. 2. e. Dicitur antem. 72. In the quhilk place, pro Serianterijs, mendosè legitur, Suggestoribus. Serianteria á feriando, as ministerium à ministro, or sérvoisium à fervo; Significs an manner of halding of landes, speciallie in the lawes of England, quhair Grande seriantye, is quhen an man haldishis lands of the King: For the quhilk he suld passe with him in his hoist, or to beare his banner with him is his warres. Or to lead his hoist or arrise. And hereto belapois warde. crame fertante, is equica an man haddismis and so the Ring! For the quhilk he full paffe with him in his hoift, or to beare his banner with him in his warres; Or to lead his hoift or armie. And hereto belangis warde, mariage, and relieve, quhilk is ane maift speciall Knichts service. petisferiantye, is quhen ane haldis his landes of the King; yeelding to him ane knite or buckler, ane scheise of arrowes, ane bow, or uther sik service conforme to his insestment: Luhair-unto na-waies belangis warde, mariage, or relieve; quhilk we may call, blench-ferme, or alba sirma. Read the statute, maid be King Edward the First, King of England. 18. zeire of his reigne, anent wardes and relieves.

SERIANT, Sergeant, ane French worde. For like as messengers, cummis fra the French worde Messiers Swa Sergeant likewaies cummis fra Sergent, Qua est von composita, de Serrer, quod est includere, & gent, quod pro gente, plebe, vel populo usurpatur. Itaque Seriandus dicitur qui jussu magistratus, quemibet de populo reum criminis, in carcerem conjicit, seu includit: That is, he quha at command of the Magistrave, inclusio, or ockis in prison, guiltie persones delated, or suspect of ony crime. Seriandus enria or serviens curia, the Seriante of the courte, officiar, executor of leters or summondes, quha be the interpretoures of the civill law, is called, quhilk he fuld in his warres;

ters or fummondes, quha be the interpretoures of the civill law, is called,

mins. vid. Record

SERPLATH. Jam. 1. p. 2.c.38. Iam. 2.p.14. c.68. Conteinis foure-feore stanes. For the Lordes of Councel, in Anno, 1527. decerned four ferplaithes of packed wooll, to conteine sexteene scors stanes of wooll. Be the trafficque of merchandes now used, The merchandes usis to pay frauchte for their gudes to Flanders, be the Sek: To France, Spayne, and England, be the Tunne: And to Danskine, and the Easter Seas, be the ferplath.

the serplath.

As I understande, ane Serplaith of gudes, is onelic counted betuixt merchand and skippers, for suring of gudes to the Easter Seas, and frathine hame to this realme. Swa that for everie Serplaith of gudes, sured, or promised to be sured Eastward; the skipper is oblished to suir hame to this realme, twa last of gudes: And this Serplaith of gudes is of nagreater quantitie, nor the sek of gudes to Flanders.

And ilk Sek, be the act of Parliament, 2a.6. p.7.cap. 108 Suld conteine twentie source stance of wol: And be the dailic calculation of merchands, course Trois stance. Ilk Trois stance, conteins severeene pound Trois. And

fourtie Trois stane. Ilk Trois stane, conteinis sexteene pound Trois. And ilk pound weicht thereof, conteines sexteene ounce Trois.

The sek of wooll, is commountie set be the Skippers, to ane Tune: Ilk Tun conteins, Sex hundreth pound Trois weicht. Ilk hundreth weicht conteines five score pounde weicht; quhilk is sex stane, and ane quarter

The wooll, quhen it is bocht be merchandes, is bocht be the Trone ftone, quhilk conteinis commounlie, xix. pound and ane halfe Trois:
Alwaies concerning the fek of wool; I finde na folid or constant weicht
thereof: For some seekes will be mair, and some will be lesse nor source
Trois stane; Bot communite the sek of wooll, conteinis source
Trois stane; as faid is.

Ane Laft of guds fured hame, conteinis commonlie twelve Barrelles.

And the auld forme of furing of gudes, fra Danskene to this Realine,
was for every ferplaith, as it is zit, twa Laft. Bot for this Laft, the Skippersfuirishame, fourteene barrelles, 1lk Barrell being of weicht, ane schip pound. And of licht gudes, sik as lint and hempt, there is fured for the serplath, twa last.

Ilk Laft is twa packs: And ilk pak is als great als halfe ane fek of wooll Skinnes, and conteinis in weicht threttie fex Sprusse stanes.

Ilk Sprusse stane, conteinis twentie aucht pound Trois weicht.

Swa the last exactle weyed, will conteine of our Trois weicht, fex score sex stanes. And for ane last of walx, that is sured hame be strangers, fourteen schip pounde. And be Scotish skippers, twelve schip pound. Also, of Tar, pick, and siklike wares, twelve great barrelles for the last, and sourteene small Barelles. Thir great barrelles, ar called Hamburgh trees, and ar in greatnesse, noch tunlike to our Salmond trees, and sidde conteine fourteine Gallounest and the small barrelles, ar some what

greater, nor our herring trees.

Likewaics of Rye meill, fome times twentic foure barrelles ar fured for the Last, speciallie be strangers: and be our awin Skippers, auchteene

arrelles for the Last thereof. And ane Last of Rye, is some-time auchtene 2).

barrelles for the Last thereof. And ane Last of Rye, is some-time auchtene Ryi.

Bolles, and sometimes nine-teene bolles in measure.

Item, ten seckes of wooll, makis ane Last of wooll.

Likewaies, ten hides makis ane daiker, and twentie daiker, makis an Daiker.

last: Twelve dow zane of gloves, or Ledder poyntes, makis ane grosse:

And ane great grosse, conteines twelve single grosse.

Ten stane of brasse, makis ane Barrell.

Sex Barrelles of English drinking Beare, makis ane Tun.

Twelve Barrelles of Salmonde, are bocht be the merchandes, for the Brasse.

Last: Bot in furing of them over the Sea, the skippers countis onely mand.

And likewaies the Sek. albeit it be counted in Flanders to twelve Bar-

And likewaies the Sck, albeit it be counted in Flanders to twelve Bar-relles; zit twelve of their barrelles, conteins sexteene commoun Bar-Barrell.

The Fidder of lead, conteinis neere by fexfcore and auch flane. Ane schip pound, conteinis sexteene stanes and ane halfe, of Scottish Schippe pound.

Trois weight.

Sexfore of skinnes, is reckoned to the hundreth.

As likewaies, fex-fcore closes of woollen claith is counted for ane hundreth.

Ia.6, p.7,c.108. Quhilk is conforme to the aud ufe, observed in the daies of King David the Seconde; as is manifest be the custome compt, maid be the Customer of the Burgh of Striviling, the zeir of God, ane thousand, three hundreth, sextic aucht zeires.

Weichtes and measures in Orknay.

The malt, meill, & beare, are delivered in Orknay, be weekt in this ma-ner. Imprimis 24. marks makis an fetting, item 6. fettings makis an meall. Item 24. meales makis ane Last. Item of meille and malt called Giff ane last makis an Scottish chalder: Item ane Last and ane halfe of beare nteinis 36, meales: 36. meales makis ane chalder- Item the butter is conteinis 36, meales: 36. meales makis ane chalder—Item the butter is delivered in barrelles, quhair the quantitie is great, bot quhair the quantity is small, it is delivered in markes, and self-poundes. That is to say, "xxiii], marks, makis ane setting, as said is, and 6. settings makes ane self-pound. Item, ane stane and twa pound Scottish, makis ane self-pound. Item 15. lesh poundes makis ane barrel. Item, 12. barrells makis an Last. Item the stell-self-less delivered be apprising viz. 10. meales makis ane sufficient Cow, and an sufficient Oxe. Also ane gild Oxe is apprised to 15 meales, and ane wedder is four meales. Item an Gouse is twa meales. Item an Capon, is half ane Gouse viz. ane meale.

wedger is to a manufacture of the service, and speciallie concernis warde and relieve. Vide Seriameria. Vide Hambert. Vide warde.

SERVIENS Curie, feriandus uvie. Leg. Maic. Makeap. 3. Ancieriand, or officiar of Courte, the executour of furmmoundes; quha furnalis and stachis ont persone to compeare in ane court. To inswere

and, or officiar of Courte, the executour of furnmoundes; quha furnmondis and attachis ony persone to compeare in ane court, to answere to ane uther, conforme to law and reason. Molinami in fillo sur. cur. par. 1. c. 20. Quha is called services; because he sudd sweare to serve leastlesie and trewlie the King, in execution of his office. Quonattach. c. Nullus 57.

SETTER. DAYIS stop. stat. Alex. cap. bas. Assis, cap. 11. Lam 4.

Parlia 2. cap. 15. quhilk statute maid, as is alleaged be King Alexander, is assisted to King David, be King Iames the Fourth, in the place forefailes. The Setterdayis stop, is ane space of time, within the quhilk it is nocht leasum to take Salmonde sith; that is, sta the time of Even-sang after noone on Setterday, until the rising of the Sunne on Mononday. stat. 2. Rob. cap. Item ordinatum. 12. stat. 1. Rob. Br. cap. 8. Leg. Foress. cap. nes aqua, 85. Iter. Camer. c. calumniabuntur. 16.

noone on Setterday, untill the rifing of the Sunne on Mononday. flat. 2. Rob. cap. Item ordinatum. 12. flat. 1. Rob. Br. cap. 3. Leg. Forefl. cap. Omnes aqua, 3.5. Iter. Camer. c. calumniabunur. 16.

SI MINELLUS, Leg. Barg. c. 122. From the Latine Worde, Similia, quhilk fignificathe befte and finalleft parte of the Quheate; or flowre, quhite bread, or maine bread: In the quhilk fignification in the Durche toungue; it is commounlie called Semmell.

SOK, Lib. 1, c. 3. Ane auld worde used in Chartoures and infeftmentes, quhilk in sindrie auld buikes conteinand the municipall lawes of this realme, is called setta de hominibus suit, in curiu, secundum consustationem Regni. Swa asteer my opinion, he quha is infest with Sok (quhilk now we call Soyt, from the French worde Suite. b. e. sequela) hes power and libertie to hald courtes within his awin Barronie or landes: In the quhilks courtes, homines sui, or his vassalles suld give soyt, and send for them, ane quha is called Soytor, or Sectator, a sequendo; Because he fuld follow the courte, in the quhilk he fuld compeare. This office was verile profitable, for furthering of justice. And first, hee quha is oblished to give Soyte in the Courte of his Over-lorde, suld do the samin, conforme to the tenour of his infestment, and na utherwaies. Leg. Forest, c. nullus 68. ca. Si hareditas. 69. And gif he aucht three Soytes be his infestment: he fall compeare bot at three head Courtes in the zeire, without Summondes or warning. Mod. ten. cur. c. 1. c. 31. Na judge aucht of law, or of reason, to accept ony man in court as Soytour. Bot gif he can make sufficient and lauchfull reporte, of processe, doomes, judgemente; and in lauchfull forme, give and pronunce doome of Mutes, and pleyes in Court, followed and defended before him in court. Mod sen.cur. cap. 38. Quon. attach. c. Nullus sessarios him in court. Soytour before he be admitted be the Baillie, or judge, suld be examined in three courtes gif hee cap. iij. Soptes. Court, followed and defended before him in court. Mod sencur. cap. 38.

Quon. attach. c. Nullus fellator. 20. And ilk Soytour before he be admitted be the Baillie, or judge, fuld be examined in three courtes gif hee can make recordes of the courts, and give sufficientlie ane warde, or ane doome of wardes or doome; asked in the court or not. And then quhen he is be his sellowes admitted, he may may not afterward for weaknesse of knawledge be rejected. Quoniam. attach. nullus. 20.

Ane Soytour, is oblished to make faith, that hee sall leallelie, and trewlic make recorde of Courte (that is of the claime, libell and proces)

The aith of an and sal pronounce lauchful and trewfentence, according to the knawledge given to him be God: And sall after his understanding, leallelie and trewlie serve, induring the time of his office. Stat. Gild. c. 50. The court beand

f furing of

Trone Stane

Euring of gu-

Spruffe ftane.

Oftarre Pick. Great and lit-tle barelles.

Ry meill.

The Soytour

alfingof

fensed, the Serjand thereof sall call the soytes, and defalt the absentes, that ar nocht lauchfullie essoinzied: And gar ane Soytour of the courte, deeme them in ane un-law, with the consent of his fellowes and Collieges. Mod. ten. cur. c. 1. Be the auld law of this Realme, and actes of Parliament. Iam. 4. p. 6. c. 95. Doomes and decreetes given and pronunced be Soytoures, in ane inferiour court, was fallisted and reduced in ane superiour court; as the processe of brieves wrangeouslie deduced in barron courte, was fallisted in ane Schireffe court. Lib. 2. c. Dis duabus. 10. Soytoures, in anc inferiour court, was falfified and reduced in harron courte, was falfified in ane Schireffe courte, and doomes given in the Schireff court; was falfified in the juftice court. Lib. 2-e. Dit duobus. 19. And laft of all, doomes pronunced in the juftice Court, was falfified in Parliament, before the Lordes, called "Judiciver querelarm, in this maner conteined in the register. 2- October. 1476. Datum fair judicism infra-feriptum, per os Alexandri Dempster judiciarij Parliamenti, in prasentia Serensifimi Principis Lacobi teviti. S. D. N. Regis, cum corona in capite such servicing of the doomes, deliveris and declaris, that the doome given in the judice aire of Edinburgh, the xij. of Iulij last by-past, be the mouth of Judice aire of Edinburgh, the xij. of Iulij last by-past, be the mouth of Judice aire of Edinburgh, the xij. of Iulij last by-past, be the mouth of Judice aire of Edinburgh, the xij. of Iulij last by-past, be the mouth of Judice aire of Edinburgh, the xij. of Iulij last by-past, be the mouth of Judice aire of Edinburgh, the xij. of Iulij last by-past, be the mouth of Judice are of Edinburgh, the xij. of Iulij last by-past, be the mouth of Judice are of Edinburgh, the xij. of Iulij last by-past, be the mouth of Judice are of Edinburgh, the xij. of Iulij last by-past, be the mouth of Judice are of Edinburgh, the xij. of Iulij last by-past, be the mouth of Judice are for Arebebald N. was evil given, and well againe said. For diverse readones schamen and understand to the saids Lordes: And therefore ilk soytour of the saids doome, and their lordes, ilk man be him-selfe, is in ane ammerciament of the courte of Parliamente, sik as effectis to be taken in the justice aire; and in ane unlaw of the said suffice aire for them; and in ane unlaw of Parliament amangst them all, sik as effectis to be taken in the justice aire; and in ane unlaw of the said service, was falfissed in the Schireffe courte: All the Schireffe courtes was falfissed in the Schireffe courte. All the Schireffe courtes as a s

STINGISDINT, Leg. Burg. c. Sciendum est. 9. Ane dint or straike with ane sting or Batton: In Latine, Fustigatio.

STERLINGUS, Estgenus ponderis, ane kinde of weicht conteining threttie twa cornes, or graines of Quheate, Vt in Assistance of the ponderibus or mensuris. And in the Catunon law, mention is maid of sive shillinges sterling, and of ane marke sterling, e. 3. de Arbitris. c. Constituit. 12 de procuratoribus. And the sterling pennie is swa called because it weyis sa mony graines, as I have sindrie times proven be experience. And be the Law of England, the pennie, quhilk is called the sterling, round, and without clipping, weyis threttietwa graines of Quheat. Without tailles, quhairos twentie makis ane ounce; and twelve ounces makis ane pund; and aucht pound, makis ane galloune of wine; and aucht gallounes, makis ane buschell of London. quhilk is the aucht part of ane quarter.

Anno 17, Edward. 2.e. 10. The quhilk cunzie, was meikle used within this realme; as is manieses be and Charters and evidentes. For the sexteenth daye of Auguss, the zeire of God, 1395. Walterus Senescalli, Do. this realme; as is maniesest be auld Charters and evidentes. For the sexteenth daye of August, the zeire of God, 1395. Walserus Senescalli, Dominus de Ralston, Vicecomes de Perth, impignoravit, Necnon nomine pignoris dedit, Sconessis Nobili Spotenti Dn. Dom. Roberto, Comisi de Fife Menteith, sotamet integram Baronism suam de N. próducentis marcis serlingorum monete Scotia, ipsi pereun tem Comitem mutuatis, Spramanibus plenarid persoluis. Tenent. Sphaent ipsi Comiti, haredibus suis, de Domino Rege C. Quousa, dictus Walserus Senescalli, aut haredes sui, prajato Domino Comiti, vel suis haredibus, ducentas inercas sterlingorum moneta Scotia vno die, inter solis ortum Scotia vno die, inter solis ortum Scotia vno die, inter solis ortum Scotia vno die, vel persolverius. Et braterea de Aus Valterus omnes sirmat. N. persolverit. vel persolverint. Et pratered di Eus Valterus omnes sirmas, reditus, comoditates, or prositua, de di Es Paronia, medio tempore provenient. dedit or concessit, prose or haredibus suis, pradicto domino Comiti, or haredibus suis, prosuo constituo bono, ipsi impenso, or impendendo. Faciendo inde annuatim, pradictus Comes or haredes sui, Domino Regi servitia debita or consueta.

The quhilk Charter conteinis the reversion, and also ane donation of the profites of the lands, quhilkis were wad-fet, conforme to the practicque ufed and observed unto the time of King James the Third, of gude

memorie. vid. Regres.

SUBVASSORES, Subvaluaffores, base halders, or inferioure halders, speciallie, they quba haldis their Landes of Knichtes. leg. Male. Mak, c.4. Quomian attachiamenta cap Si aliquis 49. Ass. Reg. David: c. Statuit. 3. Quhair it is ordained, that ilk person, quba is accused eriminallie, fall bee judged be his Peere, or Superioure in estate and digni-

TAYNT, vide Attaynt.

TAYNT, vide Attaynt.

TENEMENTUM, Is commonlie taken for the propertie of onie landes, Orimmoveable gudes within Burgh-or without the famin. Lib. 2. cap. Dos daobas. 19, capis. Fieri autem. 67. Liberum tenementum. And the superiour sudde not have the Warde of the tenement perteining to his vassal being Minor: Nor can crave na service nor relieve fra him, being Minor or Major, except he sirst receive his homage. Lib. 2. cap. Prediction 60. In the quhilk signification, it is commounlie used in the lances of England.

Pradictio, 60. In the quhilk lignification, it is commounlie used in the Lawes of England.

TERRE Dominicales, Ane worde commounlie used in Charters & infestments, quhilks ar called ane Maines, or demaine lands laboured and occupied be the Lord, and proprietar of the samins from the French worde, Domaine, Domaniam, or Demaniam; Quhilk worde properlie signifies the Kingis Landes perteining to him in propertie. Quia domaniam definitus illud quod nominatim conferratum est, unitum et incorporatum. Regia Corona, us scribis Chopinus de domania Francia. Tit. 2. per l. Si quando 3. C, de bon vacant. Lib. 10. Et Mattheus de assistio us Constitut. Sicilia. Lib. 1. Tit. de locatione demanii 32. qubilk may be called. Bona Sicilia. Lib. 1. Tit. de locatione demanij 82. quhilk may be called, Bona incorporata, et in corpus fisci redatta.

Sicilia. Lib. 1. Tit. de locatione demany 82. qualik may be called, Bona incorporata, et in corpus fifei redalla.

THANUS, is ane name of dignitie, and appearisto be equall with the Sonne of ane Earle. For the Cro of the ane, and the uther is alike. Lib. 4.
c. Si quis calumnietur. 28. flatuit. 64. And Thanus was ane Frechalder, halding his landes of the King. Quoniam attach. c. Recordatio. 63. Affreg. Da. c. Recordatio. 17. flat. Alex. c. Recordatio. 26. And gif ane man not taken with the fange, is accused of thiest, and na sufficient probation is deduced against him; he suld purge him be the aith of twentie seven men, or of three Thanes. Lib. 4. c. Si quis calumnietur. 28. Thanagi. mm Regis, signifies ane certaine part of the Kingis landes or propertie, quhair of the rule and government perteinis to him: quha therefore is called Thanus. For Domania Regis, et Thanagia Regis idem significant. Ass. reg. Da. c. statuit Dominus 38. It is ane Dutch word, for teiner signifies ane servand, and teinen to serve: And Thane is likewise ane servant, and unier Thane are inseriour servand or subject. Vid. Leg. Britonum verbo Thanus.

THEME lib. 1. c. 3. is power to have fervandes and flaves, quhilk are called nativi, bondi, villani, and all Barronnes infeft with Theme, her the same power: For unto them all their bond-men, their bairnes, gudes and geare properlie perteinis, swa that they may dispone there-upon at their pleasure. lib. 2. c. Consequenter 13. cum seq. — And in sum aulde authentick buikes it is written, Theme est potesta babendi nativos, ita quod generationes Villanorum vestrorum, cum eorum catallis, ubicunque inveniantur, ad vos pertineant. Theme cummis sra than, id est, servus, and therefore sum times signifies the bond-men and slaves, consorme to an audic status, and therefore sum times signifies the bond-men and slaves, consorme to and therefore tum times inguines ine solid-ineria and naves, colifornie to an aulde statute, and law. De curia de Thême. Quod si quis teneat curiam de Thême, et illa querela in illa curia movetur, ad quem thême vocantur; Caria de non debet illa curia elongari, sed ibidem determinari, et omnes Thêmi ibi de nativu, compareant. Quhilk is understand of the questioun of libertie, quhen it sen Servin. is in doubt, quhidder onie person is and bond-man, or free-man: Quhilk kinde of process suld not be delaied, bot summarlie decided. Quhairof their is twa kindes: for either ane free man is alleaged to be ane fervand and flave, or ane quba is in fervitude, defiris to be maid free, and put

and flave, or ane quita is in the state of to libertic. diff. Cap. 13. Cap. 14.

THIFT-BOTE, vide Bote.

TIMBRELLUM, Tumbrellum, ane kinde of torment; as stocks, or jogges quhair-with craftsmen, sik as browsters ar punished. Leg. Burg. cap. Si aliquis 21. Quhair it is called, Castigatorium.

Custome, from the Greeke worde of the samin

TOLL Lib. 1. Cap. 3. Cuftome, from the Greeke worde of the famin fignification Telos, He quha is infest with Toll, is cuftome free, and payis na cuftome; Quhilk is maniefest be sindric auld Buikes, quhairin it is written. Toll. h.e. Quod vos & homines vestri, de toto homagio vestro sint qui-eti de omnibus mercantiis, & de tolneto de omnibus rebus emptis & vendi-

Mair-over, all Earles, Barronnes, Knichts, vassalles, life-renters, Free-halders, and all quha hes landes Nomine electros/yne, suld be quite and free, fra paymente of Toll and custome within Burgh; in bying meate and Claith, and uther necessair thinges to their awin proper use. Bot tree, ha paymente of Toll and cultome within Burgh, in bying meate and Claith, and uther necessaries to their awin proper use. Bot gif ony of them be commoun merchandes, they suld paye tholl and custome; Albeit they have als greate libertie, as Barronnes. De Judic.cap.

3. Leg. Forest. cap.cap.Comites. 13. And in the auld Britton Lawes of King Edwarde, It is written. Thoill, quod nos dicimus Tholoneum, est quodita infeodatus, habeat libertatem emendi & vendendi in terra sua.

TORRALIUM, Thoralium, à torrendo, is called ane Kill, quahair corrects and vendendi and a supplied to the sup

cornes ar dryed. Leg. Burg. c. Si quis- 53. De combustione domus aux torralii, of the burning of the house or Kill. Gif ane servand burne rakleslie thy bottine burning of the noute of Kill. Gif and tervand burne raktetie thy house, Kill; or neichtboures houses adjacent: He suld not bee punished, bottinis his service: Bot gif ony man hirisane Kill, and it burne, he sall paye bot the hire. Bot gif he borrowisit, and it burne; he sall paye the valure of it, to the partie skatthed, vide Iam. 1. Parlia 4. Cap. 71. Cum

conteining an reversion, and Berling mo-

TORT, Et non reason, un-reason, wrang, and unlaw, Stat. 2. Rob. Br. c. Item quod nulla. 17. Tore in the French toung, is wrang or iniurie: Unlaw cummis fra on, Privativa particula apud nos & Germanos, codem modo quo In, apud Latinos, and law, or lauch, id est les. Quasi fine lege, vel contra legem, vel quod non jure str. Ins Normand. Lib. 12.cap. 1. Actiones of wrange and unlaw, appearis to be civill actiones, and at opponed to Actiones criminall, touching life and lim. Stat. Alex.cap. Si quis 9. Cam seqq. Leg. Mal. Mak. c.4.

TOSCHEODERACHE, ane office or jurissiction, not unlike to an Baillierie, speciallie in the Iles and Hielandes. For 9. Mart. 1554. Neill Mack.neill, disponed and annalied to Lames Mack-Oneill, the Lands of 694, and uther is with the Toschdairach of Kintyre. Some alleagis to be ane office pertaining to execution of summonds. Lib. 1. cum autem. 8. Quon. attach. c. Si aliquis 49. Sik as ane quha summondis, attachis, or arressis and uther, to compeir before ony judge. Stat. Dav. c. 6. Uthers understandis it to be ane searchour, and taker of thieves, and limmers: For King Evenus did statute, that in sindrie Schiressism, there suld be sindrie searchours of thieves, reivers, & of them that lyis in wait in the hic-streetes, Carchours of thieves, reivers, & of them that lyis in wait in the hic-firectes, and commoun passages. Hettor Boetins, Lib. 2. Lib. 10. Aberrans (inquis)
Pecus, aut Domino surum judagatori (Tochederauch vulgus appellat) aut
Sacerdoti reddito: quod si triduum apud se resinueris, surii reus esto: In the
Civill Law they are called, Lasrunculatores. Leg. Solemus. 61: ff: de Iu-

dic.

TIMBRIA Pellium, leg: Burg: cap: Capitulum. 138. Ane Timmer of skinnes: That is, fwa mony as is included within twa broddes of Timmer, quhilk commounlie conteinis fourtie skinnes: In the quhilk maner, merchands usis to bring hame Martrik, Sable, and uther coastlie skinnes

merchands usis to bring hame Martin, Sanie, and united and furringes.

TIMBRELLUS, Dicitur parvus Cetus, and little Quhaill. Le. Forest. c: Si quis cetum. 17. de Iudie. c: 27.

TINNELLUS, De Iudie. c: 27: Leg: Forest. Si quis Cetum. 17. The sea-marke, unher-waies in English Tyde-mouth. That is, the sarrest parte, quhair the sea tyde showis. Littus quo scilicer shuxus bybernus maris maximus excurris, bot est, quantum cunque mare aliquo tempore plus extenditur in byeme vel estate, tantum est littus ejus. § Flumina. Et ibi Gl: Institut ere. divis.

TR. AISTIS. Jam. 3: par: 14:c: 99. Signifies ane roll, or Catalogue, conteinand the particular ditray, taken up upon malefactoures, quhilk with the portuous is delivered be the juffice Clerke, to the Crowner, to the effect the persones, quhais names are conteined in the portuous, may be attached, conforme to the ditray, conteined in the traistis. For like as the portuous comprehendis the names of the persones indited; swa the traissis contains the kindes of diray, given up upon them, quhilk is swa called, because it is committed to the traiss, faith, and credite of the Clerkes and Crowner; quha gif they be truftie, and faithfull, fuld nocht reveale, delecte, change, or alter the famin. Jam.

2. p. 6. c. 28.
TRIBULA, Leb. Burg. cap. Si bomo 16. Ane Flaile quhair-with corn is threshen, A terendo, anod frumentum terat. Like as Tribulus is called ane thrissell, and Tribulum ane Pestell, quhair-with spices, or ony uther thing is brayed in ane morter: Barbare magis quam Lasine, secundum afitasum versum à pueris in scholis decansatum: Tribulus thresill, la stail, lum quoque pestell.

afitaium versum à pueris in scholis decantatum: Tribulus thressil, la stail, lum quoque pestell.

TUERNAY, Quid sit, valde ambigo, & bic aliorum avide expecto judicium. In the Burrow lawes- Cap. Quilibet. 34. Si uxor alicujus suerit calumniata de al quo, in placitis Burgorum utitur Tuernay: That is, as in the auld English buik, the husband may do richt for his wise, in courtes of Burgh. Et de judic, cap, cum quando. 28. Si quis suerit implacitatus coram justitiario domini regis, vel alio ballivo, si dominus ejus, vel ejus Ballivus venerit & allegaverit pro ipso in debita bora, potest recuperare curiam domini sui. Et si per negligentiam suam responderit & dixerit tuentynay de omnibus sibi oppositis plane respondebit, & sic amittis curiam Domini sui. In quibus dam libris legitur Twentynay. Itaque conjicio esse antiquum verbum sorense, quo reus utens, intelligitur approbase judicem, adeo ut eum postea declinare non posit.

VaDIUM, Vadimonium, from ane auld worde veddum, used in the Britton Lawes: In Latine, Pignut, in French, Gage, quhilk we call ane wedde Immobile vadium, signifies immoveable gudes, sik as landes annalied and wadfet under reversion: The profites quhairof, computantur in sortem, That is, ar compted and reckoned within the stock. Swa that the famin being payed in tik quantitie as extendis, and is equivalent to the quantitie of the flocke, and principall fumme: Thereby the principall fumme, is effected, as compred and payed, quhilk is called Mortuum m. Bot now the contrair is mailt commounlie used in the practicque dicttes and alienation of landes under reversion. —and be the aude of wadlettes and alienation of landes under reversion. law of this Realme, is called ocker and usurie and zit be the famin, was permitted and tolerated. Lib. 3. c. 6. Quhidder the commoun forme of wad-fetting of landes now used under reversion, is leasum or unleasum. wad-fetting of landes now used under revertion, is seaturn or unicatum-wid: Iaf in L: cuntos populos. C. de fumma Trinitate. Es Chef: in Confue-sud: Eurgund: Rub: 5: §. 1. 2. In auld times, I finde that quhen landes war wad-fet, nomine pignoris, or ad immobile vadium; The profites and rentes thereof were given and disponed be the annalier, to the buyer, for some certaine reasonable causes; sik as, pro confiso, vel ans. sio impense, wel impendendo; to the effect, that as the buyer bruikis the landes, ex disposi-tion large fine has might have right to the profites thereof. Ex hall or tione legis, fwa he micht have richt to the profites thereof, Expatto &

nventione hominis, wid, Reverson, wid, Sterlingus, vid, Mort-gage. VADIARE duellum: lib: 4: c: 2: A vadii datione, to enact battell,

as in the English lawes, be giving of pledges, baith bee the persewer and defendar, before the justice and his deputes. The persewer is said, vadiare daellum: Quhen after leave asked and obtained from the King; hee offeristo proove in plaine field, al to be trew, quhilk he affirmis, & to that effect, offeris ane wad or pledge: And the defendar is understand to vadiare duellum, quhen he denyis all quhilk is spoken bee the persewer, and affirmis the samin to be false and untrew; and thereto offeris his bodic to fight with him; and ane wadde or pledge to that effect, de judic. c. 61. c. 56. Molinaus. still. cur. Par. part. 1. c. 16. Et author trastans de Corona, Appellatus (inquit) defendet latrocinium, feloniam, or totum fastum per patriam, vel per corpus sum, secundam electionem sum, prout curia consideraverit, aus vardaverit. Si autem elegerit se desendere per corpus sum: vadieturinter cos duellum. Et appellatus det Vadiam desendendi, or appellans det vadium distationandi. Bor Philippus Pulcher, King of France. discharged all singular combattes, and all finding of pledges there-anent. Molinaus. D. part. 1. c. 10. de duello, in this realme, the appealer and defender castis their glooves till uther; quhilk represents the finding of the pledge.

Pealer and detender cains their glooves in utner; quant represents the finding of the pledge.

VAGABUND, is called properlie, ane quha hes na certaine dwelling place. Guido Papa quest. 202. Per Gl. 1. & Bart.l. §. 1. Prator. st. de danno insecto. Quido Papa quest. 202. Per Gl. 1. & Bart.l. §. 1. Prator. ff. de danno insecto. Quido Papa quest. 202. Per Gl. 1. & Bart.l. §. 1. Prator. ff. de danno insecto. Quido Papa quest. 202. Per Gl. 1. & Bart.l. §. 1. Prator. ff. de danno insecto. Quido Parliament.

Ia. 6 p. 6. 20. Octob.c. 74.

VARDA, ane French word Garde, custodie or keiping: For we use the letter W. quhair the French men usis the letter G. As wardaine, for Gardaine, Warderob, for Garderobe: Warrenne for Garrenne. And the warde custodie, and keiping of the aire, haldand his landes be service of warde and relieve, perteinisto his immediate superiour, quhilk is conforme to the Lawes of Normandie. Lib. 5. c. 10. Quhair-anent thir rules after following, suld be observed, and worthie to be noted. The warde and custodie of lands, halden be service of warde and relieve, perteining partinist to ane aire, being Minor, and of lesses; aucht, and suld perteine to the subsection of the warde, may present Ecclessaftical persones to Kirkes vaikands suld sustend fuld fusteine honestlie the aire: and suld nocht onelie pay the debtes, aucht-and be the defunct: Bot also aske & crave all debts auchtand to the defunct, or to the aire, and persew and defend all actiones competent to him: Bot

and be the defunct: Bor also aske & crave all debts auchtand to the defunct, or to the aire, and persew and defend all actiones competent to him: Bot he may noch destroy nor annalie ony part of the landes. Lib. 2. cap. Plenam 42. c. Restituerit. 44. vid. Relevium. vid. Hawbert.

Touching the custodie and keiping of the person of the air of ward lands; the bat or of ony urher landes, or quhatsumever maill or semaill gotten or borne persent in lauchfull mariage; the samin perteinis to the mother, after the decease of the sather, untill the bairne be of the age of seven zeires compleit, conforme to the commoun practicque of this realme, and the civill law. L.I.

Tot. Tit. st. bis Pupil.educar. debeat.

For be the Law of this realme, grounded upon the Climacterick zeires of Septenarius of Ternarius: That is, of seven and three zeires; there is three kindes of age. The first is of seven zeires, during the quhilk time the bairnes ar in custodie of their parentes. The second is, of sourteene zeires, within the quhilk is not leasum to marie. The third is, of twentie ane zeires; after the quhilk time, ane aire may enter to his landes, annalie and dispone the samin, as he pleass. And before the quhilk time na person may be indited to the justice aire, or accused of life and lim. Leg. Forest cap. Nota quod. 15.

annaire and airpone the lainin, as ne pleating. And before the quink time na person may be indited to the justice aire, or accused of lise and lim.

Leg. Forest. cap. Nota quod. 15.

The keiping of the aire, being Minor, haldand Landes of the King, perteinis to him allanerlie, albeit the said aire have uther superioures of other the aire, perteinis to him allanerlie, albeit the said aire have uther superioures of other the aire, perteinis to him allanerlie, albeit the said aire have uther superioures of uther the aire, perteinis to the king; and uther lands nomine wards concluded and keiping of the said superiour, prior, or posterior to the king; the custodie and keiping of the said aire, perteinis not to the king; bot to the said superiour; Quia ratione Burgagii Dominus Rex non praserur alijs Dominis capitalibus in custodia. Lib. 2.c. Notandum. 45.

After the outrunning of the seaven zeires, and the aire beand of that aire, perteinis capitalibus in custodia. Lib. 2.c. Notandum. 45.

After the outrunning of the seaven zeires, and the aire beand of that aire, perteinis constair superiour, and having na landes be reason of warde of the King: The superiour, and having na landes be the aire, perteinis to his series of the saire, perteinis to his superiour, and having na landes be the saire, perteinis to his superiour. The superiour substanting of the person of the aire, to the mother, gud-schir, tutour, zea, to the King himselse, and all uther persones. The faxteenth of Julij, Ane thousand, five hundreth, threttie twa zeirs. The Abot of sbirbrothok, contrair Marioum Forbes. Twentie aucht of Julij, Ane thousand, five hundreth twentie nine zeirs. James Sandielandes of Calder, contrair, Edward Singler.

The custodie and keeping of the person of ane aire, haveand landes The oldest fundament of diverse superioures, bee warde and relieve, perteinis to the eld-person upre-eft superiours to quhome the first homage was made: Or of quhome hee ferred to all hes the eldest and first insessing, or forme of halding. For al-be-it ilke subbers, ane of the superioures hes the warde of the Landes halden of himfelse: Zit concerning the keiping of the person of the aire, the principall and eldest superiour, is presented to all uthers, Lib. 2.e. Re-stringers, the size of the same have a confirm some and

The keiping of the aire havand lands blenche, or in few-ferme, and also ward lands, perteinis to the superiour, be reason of the ward, and not to the tutour, havand intromission with his blenche, or few lands 28. Ian-The superiour is preferred to

Gif the fuperiour, havand the richt and title to the warde and mariage of ane aire; disponis the warde to ane donatar, and the marriage to ant uther: The donatar, to the mariage allanerile, such the preferred in the aire, folkeiping of the persone of the said Minor, to the uther donatar of the ward, sown the and all uthers: Quia jus maritagij est personale & sequitur personam. The vicht of the keiping of the air, such never be committed to him, quha may claime or mariage, claimis ony richt of his landes and heretage: Or may immediatly such

Paradifus.

Varech.

ccede after him thereto. Lib. 2. e. beredes. 47. Has enim ratione illi posseri occasso captanda mortis ipsus baredis, quod est periculosum or impium. Be the Lawes of this realm, the aire mail, and all his lands halden ward, as within ward and keiping of his superious, until he be of the age, of xxi, zeiris. And the airesemall, until she be of the age of xiii, zeiris. M.p. 3.6.5, lib. 2.6.39. de. indic. 6.64-6.121. Because the landes pertenning to the aire mail, ar subject to the King, or uther superious be service; quhilk the Minor, be reason of his les age and zouth-head, cannot do. And therefore the King or superious, wantand the service, hes recours to the land: that he may be served be the profites thereof, takin up to his awin use; or be one person reason of his les age and zouth and the service, hes recours to the land: that he may be ferved be the profites thereof, takin up to his awin use; or be ony person to quhome he pleasis to dispone the samin, untill his vassall be of persite age, and able to serve. And the aire semail is in the warde and keiping of hir superiour, untill sche be soutteene zeires of age, as said is. for suppose ane woman of twelve zeirs of age, be the civill Lawe may marie ane husband; zit be the Lawe of this realme, she may nocht marie, until she be soutteene zeires compleit. At the quhilk time, sche may lauchfully marie, with consent of her superiour, Lib. 2. cap. Mulier 48. cap. in Custo-like, 90. And therefore sche being subject to her husband; It is not reason sche subject to the warde of her superiour; and consequent-lie under twa wardes, and twa sindic severall powers. Mair-over, sche

dis. 30. And therefore sche being subject to her husband; It is not reason sche sudded be also subject to the warde of her superiour; and consequent seems and twa sindrie severall powers. Mair-over, sche being maried, with consent of her Over-lord; her husband may doe sik service, as sudd be done to him be the possession of the landes: quhilk is consorme to that quhilk is written be Dock. Thomas Smith, of the common well of England. Lib. 3.c. 5.c. 8.

YARDA Curie, quonium attach, c. shi aliqua 10.e. in omni. 18.c. nullus ao. The interloquutor or decreet of the court: Curia dicitus vardare, considerare, pronunciare, in this forme. The Court counselled, and admied, And I. N. Soytour of it, be their informationes sayeth, that this Court counselles and I award, that N. is in ane default for his absence this day. The like form is used in the daily practicque, quhen the judge or clerk, be the mouth of the officiar or dempster decernis and adjudgis onie person to be in ane unlaw, for absence or any uther cause. and lib. 2.c. that quhilk is called vereditium as sife, in the samin place, in libro Carbreith, is called the ward, veredite, or deliverance of the assis.

VARENNA, ane French word, ane Garene; That is ane place quhilk is dyked and inclosed for beastes, cunnings or uthers, quo. attach. Cap. 29. Mod. Ten. cur. Cap. 21. In latine Paradism. And the keiper of ane cunningair or cunnings, is called an Garenter. insectatus in liberam varennam, is nocht meikle different from infestment, in liberam proessam. The quhilk kinde of infestment of auld is given to the Laird of Rossing his predicessource, of the barronie of Pecheland.

WARE, war of the sea, ane word used in sinder insectiones, in latine also ware also mare a star proessam as a single latine proves a sheether will as also also.

ceffoures, of the barronic of Pechiland.

WARE, wair of the sea, ane word used in sindric infestmentes, in latine alga maris. As in the latine proverb, abiesta vilior alga. He quha is insess therewish, may stop and make impediment to all uther persones, als-weil within the should marke, as without the samin, to gather wair, for mucking and guding of their lands. Or to gather wilkes, Cockles, Lempets, Mussels, sandeiles, small sish, or baite, upon the sand or craiges, forcement his landes. 24. Maij. 15 49. The town of Carrail, contrar Grigory person, be nocht insess with sky wildeles. Meldrum. Utherwaies gif ony person be nocht insest with sik priviledge, be may na waies sorbid, trouble or molest the King, or onie of his lieges to doe the premisses: Or to win staines, quarrell, or to exerce onie uther industrie to their awin profite and commoditie, within the soul marke of the fea, quia ufus maris est communis omnium. 29. Iulij. 1500. The King contrar the laird of Seafeild. Ware cummis fra an auld French word vārech used in the lawes of Normandie. lib. c. vst. Quhilk signifies onie gudes or geare, caften out be the fea to the land, quhilk properlie we call the wrak

of the sea.

VASSALLUS quast basfallus, inferior socius. From the French Bas, as plus Bas, in latine inferior. And the Dutch word Gesel, in latine socius. For the vassall is inferiour to his marster, because he suld serve and revenue. For the valual is interiour to his mainter, because he tild nerveaus reverence him. And zit he is in ane manner companion to him, because ilk ane of them is mutuallie oblished til uthers. vid. assistation. Cuia lib. 1. de seud. writes that leudes leodes, sideles, bomines nostri, seudatarij, ministeriales, beneficiarii, bensicui, vassalli. almost signifies ane thing: And vassallus, in Latine is cliens. Because sik relation is betuixt dominus ovassallus, as is between the secure of the sec Latine is cliens. Becaule lik relation is betuixt dominus & vassalis, as is betuixt patronus and cliens. Molinaus in still. cur. p.c. 16. pag. 48. Albeit Cuiacius affirmis the samin to be monic wayis different. And ane bas infestment is guben the vassall annalies his lander, halden of himselfe and his aires, quhilk is ane inferiour, private or subalterne infestmente. In the lawes of the tewes vassalled fidelis, quia sidelitatem jurat, he suld swear to be faithfull and trew to his maister. Amanges vassalles, the sirt place of dignitie is given to them quha are Duces, Marchiones, Comites, and are called Capitanei Repui. The second is granted to barrone and where clisteric states. or algente is given to them duna are Ducer, Marchiones, Commer, and are called Capitanei Regni. The fecond is granted to barrons and uthers of like rank and effaite. And are called valva fores maiores. The thrid of them, quha ar called gentilmen, or Nobles, haldand of barrons, quha likewife may have under them vaffalles, also gentilmen: For ane gentilman may halde of ane uther. And sik vasfalles haldand in cheife of barrones, ar called Valvasores minores. And they quha haldis their landes of them, are cal-led valsalli, valvasini feu minimi valvasores, lib. 1.de. feud. Tit.de natura feudi. 5. 1.Bot in the lawes of this Realme, they quha haldis of Barrones are called milites, and they quha haldis of themare called subvasores, vid. A. , vid. Baro, O' Iacob. Cuiacium. lib. 2. de. feud. Tit.de no.

WAIFE beaft, pecus vel animal aberrans, quhilk wanders and wavers without ane knawen maifter, quhilk being found be onie man, within his awin boundes, he fuld caufe the famin to be proclaimed, diverse and findrie times upon mercat dayes, at the paroche Kirk, and within the Schireffedome: Utherwaies gif he deteinis the famin, he may be accused for thieft therefore. And it is leafum to the awner of the beaft, to repeate and challenge the famin within zeir and daie, quon, attach. c. eschete. 30. vid Toscheoderach. In the lawes of France, it is called espare, quo signifi-

Caiur omne illud quod oberrat, Chefs. in confact. Burgiel. Rubric, 1. §. 1. verb.

Espaines. In latine res pro derelitéo babita. 1. falfus 44. ff. de farz.

WECHTES, measures and diverse kindes thereof. vid. Serplaitb.

Reade likewaies a sissam regio David, De ponderibus & menjurus. la. 1. p. 4.

c. 68.69.70. la. 1. p. 3. c. 57. 58. la. 6. p. 11. c. vls.

VENYSOUN, ane worde used in infertmentes, a venando seu venationo, and likewaies commonlie used in the lawes of England, and signifies licence and power to hunt. take, and flay, of the Kingis venison within his Parkes, and Forrests. Quhilk utherwaies is nocht leasum, bot is sharplie punished with ane grievous syne, or be banishment or prison. Leg. forest. c. 91. Quhilk is conforme to the lawes of England.

Anno. 9. Henr. 2. c. 10. Bot be the disposition of the Forrest lawes, it is leasum to ane Erle, Bishop, or Barrone, cummand or returnand, throw the Kinges Forrest, at his command, to take ane, or two beastes, be the

leafum to ane Erle, Bilhop, or Barrone, cummand or returnand, throw the Kinges Forreft, at his command, to take ane, or twa beaftes, be the fight of the forresster, gif he be prefent: and utherwaies he fall blow and horne, that he appeare nocht to take the famin thiefteouflie. lego. fresh. 90.

VERD, vert, from the latine viride: ane word used in Charters and infestimentes, and also in the English lawes quhair it is called Greinhue, and signifies power to cut greene trees or wood. And being committed be them quha hes nocht power to doe the samine, is punished be the foresters, or vierders, quha are called Viridarij, in the Lawes of Normandie and England. Be the auld law of this Realme all forrestes commonly perteined to the King: and the right of Forestarie, was given and disponed in thir wordes, in liberam forestam, as is exponed in the word Foresta. And ane of the priviledges or liberties, that is posestas security security. And ane of the priviledges or liberties, that is posestas security in his haill forrest, or onie part thereof, to onie person for sewell, or tyre, bigging, or for onie uther particular use. quhilk person may nocht abuse the said forrest or wood, after his awin appetite and will, bot at the sight and discretion of the forrester, and uther officiares; or according to the forme and manner set down, and limitate in his insestemente and gift, as writts, sahe Pappon. lib 4. Tit. 3.

Secondie; this word word, may be taken for power and licence of pastrurage within the Kings forrest, granted to him quha is insest therewith quhilk in the English lawes is called, the common of Herbage, and of uther thinges in the Kings forrest, pertening to them quha are accusate to have the samin care de Forestic 1. Mag. Cart. anno 9. Heav, 3.5.8.

quhilk in the English lawes is called, the commoun of Herbage, and of uther thinges in the Kinges forrest, perteining to them quha are accustumate to have the samin, cart. de. Forest. e. 1. Mag. Cart. anno. 9. Hear. 3. c. 3. and justiment, herbage, agistamentum & herbagium. In latine, jus pascendi pecoris, is quhair an tenent hes right given to him of the feiding, grassing, or pastouring of his cattel within ane park or onie uther ground inclosed. VEREDICTUM asisfa. vid. Proporcitus, vid. Varda.

VERGELT, an Saxon or Dutch word, from ver, id est vir vel homo, & Gelt, pecunia sive compensatio, as vergels suris is 30. kyc. and ane quoyach. lib 4. c. de unoquoque. 17. Or 33. kyc. Stat. Alex. c. de. unoquoque 34.

VILLENAGIUM, a villano, sklayerie or servitude. lib. 2. c. Consequenter. 13. vid. Bondagium.

ter. 13. vid Bondagium

visnetum, from the French word voisin, nichtbour, quasi voisinetum or Vicinetum, from vicinus, and quha dwellis neare unto ane uther, or in the soure halses about, stom the quhilk cummisthe French word, used in the English lawes vicinuse, and in the lawes of this Realme, assistate vicineto, is ane assist of nichtbours, or of the soure halses about, vid. assist. WHITSONDAYES set. Ia. 2. p.14. c.Or Whitsondayes making. Ia. 2. In the samin par. c.90. Utherwaies called Whitsondayes styles. Quhilkis wer certaine constitutions and statutes quhilkis freehalders, baith spirituall and temporall, and speciallic conventes of Abbayes, and religious places, maid betwixt them & their tennentes before Whitsundaie, sorfervice to be done to them, and better labouring of their landes, and payment of their dewtie. ment of their dewtie.

UNLAW. vid. Amerciamentum. vid Tort.

UNCTUM Porcorum, swines scame or fatnes, leg. burg.t. siquis scienter 71. Abungendo, because it is profitable for unctiones and smeering.

VOTH signifies out-lawrie, urlagium. And in our auld Scottish language ane voshman, is ane out-law, or ane sugitive fra the lawes. Maisover ane voithman, is ane out-law, or ane fugitive fra the lawes. Mairover vouth, fignifies, perfued, calling, or accufation, from voucher, id eft vocare, used in the auld French and English lawes.

WRANG or unlaw vid. Tort. To denie wrang and unlaw, is quhill

the defender denyes that quhilk is objected to him, or quhair of he is accused, and zit consesses that he hes done utherwaies then he aucht to doe,

and (wa'hes not done his deury for the quhilk he is reddie to make amendes and farific the partie offended. leg. Burg. Cap. 101.

WREK, of the fea, and word specified in the lawes and sindrie infestmentes, quhilk signifies power, libertie, and prerogative competent to mentes, quhilk fignifies power, libertie, and prerogative competent to the King, or to onie person, to quhome the samin is granted be him bee infestement, or onie uther disposition, to intromet and uprake sik gudes and geare, as ar schipbroken, or fallis to him be eschetic of the sea. Quhilk and geare, as ar schipbroken, or fallis to him be eschette of the sea. Quhilk libertie is als competent and profitable to him quha is insest with wrek, as it micht be to the King himselfe gevar thereof, quia myasta pertinens addominum regem et wrasta competens vassallo, ex donatione regis pari jure assimantur.leg. forest, c, inter antiqua. 56. And in the lawes of England anno. 3. Bdva. 1.6.4. concerning wrek of the sea: it is statute that quhair an man, an dog, or an eat, escapes quick out of the schip, that sik. ship or barg, nor na thing within her, salbe adjudged wrek, bot the gudes salbe saved, and keiped be the sicht of the Schireste, coroner, or the Kinges baillie, and delivered into the hands of sik, as are of the towne, qubair the gudes were fund, swa that gif onic crave the gudes within ane zeiv and ane day, after pruise, that they ware his awin, they sallbe restored to him without ter pruife, that they ware his awin, they fallbe reftored to him without delaie. And utherwaies they fall remaine to the King. And the schireffes, coroners, and baillies of the town, intromettoures therewith, falbe answerable therefore to the Kinges officiares, and quhair wrek belanges to an

uther then to the king. he fall have it in maner aboue expremed. And quhafoever dois utherwaies, and is attaynt, or convict thereof, he falbe imprisoned, and pay ane fine arbitrall to the King, and the damnage to the partie. Siklike be the lawes of England, the King suld have the wrek or escheit of the sea, throwout the Realme, Whailes, and great sturgeons taken in the fea, or els-quhair within the Realme. Except in certaine places

priviledged be the King, anno. 17. Edward. 2. c. 11.

UTLAGIUM, vel vilagatium, outlawrie, rebellion, disobedience to the lawes, banishment, or forefaltour. Ia. 2.p. 6.c. 30. For gif the King reftores ex gratia, an man that is outlawed, or forefalted, he thereby recovers nocht his landes, bot be the gud will of his overlord, quia forisfactum, et utlagazionem: D. Rex damnatis soler remittere: nec tamen aliena Jura quarit nec potest infringere. lib. 2-c. sorisfactum. 55, de judicib. c- si per legem.

YBURPANANSECA, it appears to be like that, quhilk is called the law of Birdingsek, for in sum auld authentick buiks it is written lib. 4. c. 14. yburpananseca. h. e De furto vituli vel arietis, vel quansum cibi quis portare potest super dorsum curia nonest tenenda. Sum affirmis in the Gascoin language, Pana, to fignific surari, to steill, and panadour, to be ane thief. & language, Pana, to fignifie furari, to steill, and panadour, to be ane thicf. & it appears weill, Seca, fignifies an seck, In latine secens, quhilk word is commonlie used in all tunges and languages amangs all people and nati-

ZARDE. Ia. I. p.7. c.99. Is an kind of measure commonlie used in England nocht meikle different from our elne, ane zairde of land virgata terra, in the Britton lawes, is ane measure of land quhilk in diverse places is diverse, sumtimes of 20 aikers, sumtimes of 24. & sumtimes of 30 aikers.

is diverte, furnitimes of 20 aixers, furnitimes of 24. & furnitimes of 30 aixers.

ZELDE, ane gift or donation. vid. Herrezelde.

ZEMSEL, of ane Caftell, the cuftodic, and keeping of ane Caftell. leg.

but. c. 3. For zeme, in our auld language, is to observe and keepe, as quhen in time of singular battell, they quha standes by, and behaldis, ar commanded to keepe, & zeme the time of the derenzie, their weapons for the Handes of the appealer and defendour: In lib. fend, it is called feedum Guardia, for Guardia, in latine custodia, & Guardiani custodes to quhome Caftelles and territories of landes ar committed in keeping, quhome we call wairdanis, as writes, the interpretoures of the tewes, and speciallic, Zasius de seudis. par. 12. Nu. 7. And in this Realme landes annuall-rents, or dewties, given for the keeping of Castelles, are called castel.

FINIS.

ANE ADMONITION TO THE

reader tuiching the buikes contenand the lawes of this Realme, and abbreviationes used in the treatise preceiding.

Have aledged in this little treatife, the first word with the number of the Chaptour of ilk buike of the auld lawes of this Realme, written before King James the First, of gud memorie. Because there is greate diversitie aneat the number of the chaptoures. Swa that thereby, there can be na sure or certaine allegation. Bot gif the number failzie, the 1. &c. capitall word, will be ane fure guide & convoy to the richt place alledged.

Leg. Mal. Mack. leger. Malcolmi Mackenneth. The lawes made be King

Malcolme the second of that name, verie gud and profitable, bot sew in

number.

Lib.1. Lib.2. Lib.3. Lib.4. The first, second, third and fourth buikes of Regiam maiestatem, maid be King David the first. Swa called and intituled, from the first worde of the beginning thereof, to the imitation of the foure buiks of the Institutions, of the civill lawes; quhilk begins Imperasoriam majeftatem.

Quo, attach quoniam attachiamenta, swa called, fra the first word thereof.

Conteines the Barron lawes, and from the Barron courte, written in the time of the faid King David the first.

time of the faid King David the first.

Mod.ten.cur.bar. modus tenendi curias baronum, an buik written in Scottish language, quhilk is not of great antiquitie as may be knawn be the styll, & language thereof, and is not conteined in the auld buikes maist worthie of faith and credite, alwaies it is an interpretation of the buike quonism attachiamenta, maid be sum man quha hes eiked & augmented sindry things profitable, for understanding of the forme of proces used, in auld times.

Leg. Burg. leges Burgorum; The lawes of Burrowes, maid in the time of the said King David the first, be relation and information of certaine learned men, quhome he send to uther cuntries to learne and reporter to him the lawes, and ordinances thereof, quhilk was done be them within the space of twa zeires or thereby, as is plaine and manifest bee auld authenik buikes. And it is probable that he hes used the like forme and proceeding in making and surth-setting of the remanent his lawes.

Stat. Wilh. statuta Wilhelmi Regis; Statutes, and lawes, maid be King William.

Stat. Alex. flatuta Alexandri, Satutes and lawes maid be King Alexander the second of that name, sonne to King Williame.

Stat. 1. Rob. Br. flatuta prima Roberti Bruyse.

Stat. 2. Rob. Br. flatuta secunda Roberti Bruyse. Quhilk statutes and laws maide be him are co-incident, and for the maist parte conteinis the like, or somi lawes.

Aff. Reg. Da. Affifa regis David: Lawes maid be King David the Bruyfe, called King David the Second: And in some buikes ar called, flaa David Regis.

Stat. Rob. 3. statuta Roberti Tertiji: Statutes maid be King Robert the Third, Father to King Iames the First, quhilk as zit remainis in the Regifter of this Realme.

Leg. Forest. Leges Forestarum: The Lawes of Forestes, quhairof the

uthor is not knowen to mee.

Iter Camer-Iter camerarij: the Chalmerlain air: Quhilk (as some alleagis) was written and put in forme, in the time of King Iames the Third: Albeit the samin Courtes, were frequent, and meikle used mony zeires be-

De maritag. De maritagio. Ane little treatife, written be fome private man, and is na-waies authentick. It is so called, because the beginning thereof is. De marito.

Stat Gild. Statuta Gilda, Certaine ordinances and constitutiones, touching Burgesses, gild-brether, maid and constitute be Robert Durhame, Maire of Berwick, Simon Marschel and uthers wise men, inhabitantes of the faid Burgh

Leg. port. leges portuum, an treatife collected & written be fum particular person, quhilk is nocht authentick, and conteinis ane briefe fumme and abridgement of the auld lawes, and is swa called, because it conteinis the ordinances anent the cultomes of thippes palland furth of this Realm, or arrivand to the famin, laidned with merchandice, and the forme of cult-

omes, baith out-ward and in-ward.

De judic. De judicibus; Anc lang and largeRapfodie, collected furth of all buikes conteinand the civill lawe of this Realme. It is nocht authentick, bot zit verie proffitable for exposition of sindrie places of the Principall and authentick buikes. "It is swa called be reason the beginning theirof

is, De judice eligendo.

The Actes of Parliament of King James the first, and his successours are alleadged be the name of the King or Queene, author thereof. As Ia. for Iames, Mar. for Marie. p. for Parliament, and mairover be the number of

the Parliament and chaptour.

Decreites given bee the Lorder of the Seffion and Councell, are alleadged be the daye, moneth, and zeire of God, in the quhilk they are pronounced, and fumtime bee the names of the perfewer and de-

Quhair onie thing is written in the expolition of ane worde, quhilk may ferve for the declaration of ane uther, for efchewing of unprofitable repetition, I remitte zow from the word to ane uther, be vid. For vide, and fwa fee and read the expolition of the ane and the uther: for thereby ze salbe mair largelie instructed.

FINIS.

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TAX X

The whole LAWS, and ACTS contained in this Book, being revised and compared with the principall Records and Warrands thereof, are exactly conform thereto, As the same is attested by me Sir THOMAS MURRAT of Glendook, Knight and Barronet, Clerk to His MAJESTIES Council, Register, and Rols.

THO. MURRAY, Cls. Reg.